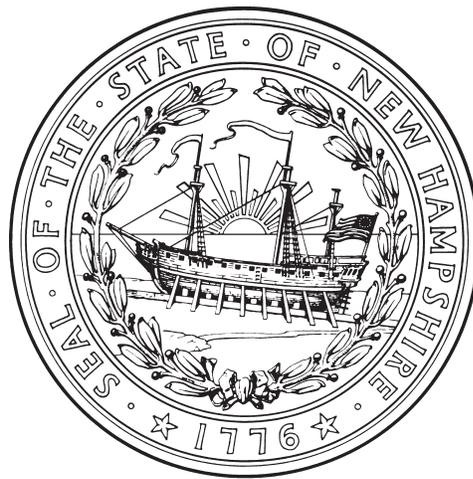


March 25, 2021  
Nos. 8-9

# STATE OF NEW HAMPSHIRE

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**First Year of the 167<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 18, 2021 SESSION  
COMMENCEMENT – MARCH 25, 2021 SESSION**

# SENATE JOURNAL 8 *(continued)*

*March 18, 2021*

Out of Recess. Call the Senate to Order.

## MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

The following Senators were excused: Reagan.

Roll Call, Yeas: 23 - Nays: 0. Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 9

*March 25, 2021*

The Senate reconvened Remote Session in the House Chamber at 10:00 a.m., a quorum being present.

PRESIDENT MORSE: Welcome. I am Senate President Chuck Morse from District 22. Today, we will be holding a meeting of the Senate. Before we get started, I'll read through a checklist to ensure that the meeting that we are holding is in compliance with the Right-to-Know Law.

As President of the New Hampshire State Senate, I find that due to the state of emergency declared by the Governor as a result of the Covid-19 pandemic, and in accordance with the Governor's Emergency Order Number 12, pursuant to Executive Order 2020-04 and its extensions, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting which was authorized pursuant to the Governor's Emergency Order.

In accordance with the Emergency Order, I am confirming that:

We are providing public access to the meeting with links provided on the General Court Website and in the Senate Calendar. We are utilizing Zoom for this electronic meeting. All members of the Senate have the ability to communicate contemporaneously in this meeting through this platform and the public has access to contemporaneously watch and or listen to the meeting with links provided on the General Court Website and in the Senate Calendar. Please note, that the only public access to session is through the livestream provided on the General Court Website and in the Senate Calendar. There is no access to the Zoom other than by way of the livestream, just as there would be no access to the Senate floor, other than by way of the Senate Gallery, or the livestream.

We have provided public notice of the necessary information for accessing the meeting in the Senate Calendar since Thursday, March 18, 2021.

We are providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem please email [HelpDesk@leg.state.nh.us](mailto:HelpDesk@leg.state.nh.us), or call 603-271-2180.

In the event that technical problems on our end make it impossible for Senators to participate or for members of the public to access the meeting, it will be adjourned and rescheduled.

Please note that all votes taken during this meeting shall be done by roll call vote and will be recorded in the Permanent Journal.

Finally, let's start the meeting by taking a roll call attendance. When each member states their presence please also state where they are and if anyone else is in the room with you during this meeting, and if any other such person is present, each member will identify such person, which is required under the Right-to-Know Law.

The Clerk will call the roll of the Senate for attendance.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

The following Senators were excused: Reagan.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

There were 24 members present.

The Reverend Jon Hopkins, Chaplain to the Senate, offered the following prayer:

Let us pray.

Dear God. We give you thanks for every leaf in springtime. They remind us that underneath the cold hollow ground there's life waiting to spring forth. Remove in our hearts the coldness and open them to our fellow citizens today. Remind us that the people live and work within the state of New Hampshire. Remind us that they desire to live in freedom and fidelity to their neighbors. Help us to pass laws and make decisions that benefit the lives of every citizen. Help us remember the single mother, working two jobs to keep things together. Help us remember the father, working hard to provide a home for his family. Help us remember the homeless families searching for affordable housing. Help us remember the small business owner trying to be fair to their employees and turn a profit. Help us remember the parents who desire their children a robust public education. Help us to pass laws that reflect the lives of the people we serve. Let us never forget to make no more laws than are necessary so that we do not stop people's ambition and freedom. We ask this day for wisdom to guide our decisions and a warm heart that remembers always the people we are called to serve. Amen.

Senator Ricciardi led the Pledge of Allegiance.

#### FN REPORT FOR MARCH 25, 2021

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

#### SPECIAL ORDER:

##### JUDICIARY

SB 60-FN, prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

#### CONSENT CALENDAR:

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 94-FN, relative to licensure renewal dates for certain governing boards under the office of professional licensure and certification.

#### REGULAR CALENDAR:

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 173-FN, requiring the independent investment committee of the New Hampshire retirement system to report investment fees.

##### JUDICIARY

SB 95-FN, adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

Senator Daniels recommends the following bill be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

## CONSENT CALENDAR:

## TRANSPORTATION

HB 298, adding a member to the aviation users advisory board.

Senator Daniels moved to adopt today's FN Report.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

President Morse recognized Senator Reagan for attendance.

## CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought to Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

## EDUCATION

HB 304, establishing a committee to study the funding of tuition and transportation for career technical education.

Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill establishes a study committee to make recommendations relative to tuition and transportation funding of career technical education (CTE). The committee is tasked with studying the CTE tuition and transportation funding formula, studying funding reimbursement for students who attend CTE within their own school district, identifying policy and funding strategies to increase student access to career technical education, and considering other policy and funding issues as the committee may deem necessary. Funding and cost of CTE varies throughout our state depending on the student's location and transportation costs. The Senate Education Committee's recommendation of ought to pass is in line with the House Education Committee's unanimous recommendation.

## ELECTION LAW AND MUNICIPAL AFFAIRS

HB 380, relative to the election of Grafton county commissioners.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill will change the terms of the Grafton County Commissioners beginning in 2022 so that one member is elected to a 4-year term at each General Election. Currently, all Counties in New Hampshire, with the exception of Hillsborough, Strafford and Grafton, operate on this rotation schedule. Having elections of County Officers on a staggered basis helps to preserve some of the institutional knowledge, which should benefit the municipality.

HB 383, relative to the quarterly or semi-annual collection of taxes in certain municipalities.

Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

The bill was a request of the Department of Revenue Administration. It will permit municipalities with semi-annual or quarterly billing to submit an adjusted rate application to the Department of Revenue Administration in the event of an increase of 15 percent or more in the amount of property taxes to be raised for the current year as compared to the previous year. Allowing for early rate setting will keep property owners from large drops or increases that may affect personal finances.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 70, authorizing certification for the microblading of eyebrows.

Ought to Pass, Vote 5-0. Senator Ricciardi for the committee.

This bill allows certain persons who are not licensed for tattooing as body art practitioners to perform microblading of eyebrows. The practice of microblading eyebrows is currently treated as tattooing, the license for which requires a two-year apprentice program. The microblading process is not as complex as a full tattoo but does require skin to be broken to insert a semi-permanent pigment. This is a process that is often used by people with cancer who have undergone chemotherapy and lost their eyebrows. Guidelines for the certification and rules for sanitation and safety requirements will be developed by the Advisory Board of Body Art Practitioners through the normal rulemaking process.

HB 94-FN, relative to licensure renewal dates for certain governing boards under the office of professional licensure and certification.

Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill revises the procedure and timeframe for license renewals of allied health professionals, body art practitioners, podiatrists, chiropractors, acupuncturists, and veterinarians. Under current practice, all licenses overseen by the Office of Professional Licensure and Certification (OPLC) expire, and are renewed, in either June or December. This, combined with the increasing number of licensed professionals, creates a massive administrative burden for OPLC staff and the oversight boards. This bill will set the expiration of all licenses it covers at two years after their issuance, spreading out the renewal burden and eliminating the need to prorate continued education programs or licensing fees. OPLC intends to transition all of its licenses to this standardized expiration format in the future.

HB 150, making a technical correction and a clarification in the law governing death benefits for emergency medical technicians and rescue squad members.

Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

This bill makes a technical correction in the law governing death benefits for emergency medical technicians and rescue squad members. This bill also clarifies the definition of "rescue squad member." This bill is a re-file of HB 1377 (2020), which passed both the House Executive Departments and Administration Committee and the full House before dying due to the COVID-19 pandemic. The first section of this bill is a technical correction to a drafting error, where "emergency medical technicians, or rescue squad members" were left out of one specific part of a larger piece of statute. The second section of this bill is a clarification, requested by the Fish and Game Department, regarding the definition of a "rescue squad member", reflecting that rescue squad members are called into action for purposes beyond just recovering a missing person. These changes will ensure clarity and appropriate coverage for individuals eligible for death benefits.

HB 208, repealing RSA 323 regarding lightning rod dealers and salesmen.

Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

This bill repeals RSA 323, relative to lightning rod dealers and salesmen. The current licensing practices for lightning rod dealers and salesmen involves multiple fees and a bond being posted. This statute was originally enacted in 1878 and, despite being amended several times since then, has outlived its usefulness. Provisions regarding the safe installation of lightning rods are already in force through the State Fire Code and the State Electrical Code, as well as national safety standards. The yearly average licensing revenue from lightning rod dealers and salesmen is below \$375. Knowing these facts, the Committee was comfortable with recommending the repeal of RSA 323, relative to lightning rod dealers and salesmen.

HB 301, relative to the compensation appeals board.

Ought to Pass, Vote 5-0. Senator Ricciardi for the committee.

This bill requires that the per diems paid to Compensation Appeals Board members shall be prorated to an hourly rate for other board-related work not involving a hearing. For the existence of the Compensation Appeals Board, this has been the practice for how members are compensated. This bill will bring the statutory language into alignment with the current, and longstanding, practice and is a request of the Department of Labor.

## TRANSPORTATION

HB 298, adding a member to the aviation users advisory board.

Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill adds a representative of the unmanned aircraft systems industry to the aviation users advisory board. Unmanned aircraft systems, such as drones, are rapidly becoming more prevalent. The aviation

users advisory board reports to the Bureau of Aeronautics in the NH Department of Transportation. These two groups work closely together, and both support this bill because of the increasing need of someone with expertise in the unmanned aircraft systems industry.

HB 311, establishing a committee to study rail trail best management practices.  
Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

This bill establishes a committee to study and develop rail trail best management practices. This bill was brought after residual contaminants in dust on rail trails were found to include chemicals and metals such as arsenic, lead, copper, zinc, oil, gasoline, herbicides and more. The committee will study how to reduce and limit exposure of residual contaminants to users and abutters of rail trails. The transportation committee amendment opens the senate membership to any member appointed by the president of the senate, removing the restriction in the bill to a member of the senate committee on energy and natural resources.

Senate Transportation  
March 17, 2021  
2021-0864s  
04/06

#### Amendment to HB 311

Amend section 3 of the bill by replacing subparagraph I(b) with the following:

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

#### WAYS AND MEANS

SB 102, adopting omnibus legislation on property taxation.  
Ought to Pass with Amendment, Vote 5-0. Senator Rosenwald for the committee.

SB 102 is omnibus legislation with three parts. After hearing compelling testimony from the NH Department of Revenue Administration about the negative consequences delaying assessment review would have on the department, municipalities, and taxpayers, the committee unanimously chose to amend the bill by removing Part I. Parts II and III of the bill give municipalities the option to adopt various tax relief initiatives. Part II would allow cities and towns to designate residential property revitalization zones for the purposes of a property tax relief program for certain qualifying residential properties. The goal of this proposal is to incentivize the rehabilitation of underutilized structures, thus increasing available housing stock. Part III of the bill allows cities and towns to adopt a property tax exemption for certain renewable generation and energy storage systems. Without the ability to exempt these systems from property taxation, much of the savings that would be realized from the systems would be lost.

Senate Ways and Means  
March 16, 2021  
2021-0846s  
10/05

#### Amendment to SB 102

Amend the bill by replacing section 1, Sponsorship, with the following:

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0865, relative to a property tax relief program for qualifying residential property in a designated residential property revitalization zone, sponsored by Sen. Kahn, Prime/Dist 10; Sen. Watters, Dist 4; Rep. Lynn, Rock. 7; Rep. Porter, Hills. 1.

Part II. LSR 21-1031, allowing towns and cities to adopt a property tax exemption for certain renewable generation and energy storage systems, sponsored by Sen. Prentiss, Prime/Dist 5; Sen. Watters, Dist 4; Rep. Oxenham, Sull. 1; Rep. McGhee, Hills. 27; Rep. McWilliams, Merr. 27.

Amend the bill by deleting Part I and renumbering Parts II and III, and the Part references in each Part's effective date, to be Part I and Part II, respectively.

2021-0846s

#### AMENDED ANALYSIS

This bill adopts legislation relative to:

I. A property tax relief program for qualifying residential property in a designated residential property revitalization zone.

II. Allowing towns and cities to adopt a property tax exemption for certain renewable generation and energy storage systems.

HB 134, repealing certain inactive dedicated funds.

Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

This bill was requested by the Joint Committee on Dedicated Funds. It repeals certain inactive dedicated funds, adds two forestry funds, and makes various other technical corrections and adjustments. These changes were drafted in consultation with the agencies involved.

The question is on the adoption of the Consent Calendar.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

## REGULAR CALENDAR

### EDUCATION

HB 513, relative to the degree granting authority of Signum university and relative to the authority of the higher education commission.

Ought to Pass, Vote 4-1. Senator Ward for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Sherman, Morse.

The following Senators voted No: Kahn, Perkins Kwoka, Gannon.

Roll Call, Yeas: 21 - Nays: 3. Adopted, bill ordered to Third Reading.

### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 89, adopting omnibus legislation relative to election procedures and registers of probate.

Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

Election Law and Municipal Affairs

March 15, 2021

2021-0825s

11/06

#### Amendment to SB 89

Amend Part III of the bill by replacing section 2 with the following:

2 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes.

I. The town and city clerks or their designee shall open outer envelope of all absentee ballots received prior to 5:00 pm on the day prior to election day. The envelope containing the ballot shall not be removed from the outer envelope at such time.

II. The clerk shall establish a policy identifying when the outer envelopes will be opened and the review of the affidavit conducted. Such policy shall include posting the time and location of the review at least 24 hours in advance. The policy shall allow the opening of the outer envelope and review of the affidavit while the voter or voter's delivery agent as defined in RSA 657:17, II is present. When election day is within 2 weeks the opening of the envelope and review of the affidavit shall occur not later than the next business day after the clerks receive the returned absentee ballot. The public shall have a right to attend and observe as the clerk opens the envelopes and reviews the affidavits.

III. The affidavit shall be reviewed to determine if the affidavit is properly executed, such as whether there is a missing signature or incorrect name.

IV. If during this review the affidavit does not appear to be properly executed, such as having a missing signature or incorrect name, the town or city clerk or their designee shall attempt to contact the voter to notify them of the errors and possible methods to correct the error using the telephone or email information, if provided, on the application. The clerk shall make a record that notice was provided to the voter on the clerk's list of absentee ballots.

Amend the bill by replacing Part IV with the following:

#### PART IV

Establishing a Committee to Study Post Election Audit Counting Devices and Authorizing the Attorney General to Count Ballots as Part of an Investigation into Recount Discrepancies.

##### 1 Committee Established.

I. There is established a committee to study post election audit counting devices.

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

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

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

IV. Duties. The committee shall determine what ballot counting equipment is available which would support a post election audit in New Hampshire, and shall study the feasibility, time constraints, and cost of conducting a post election audit using any vote counting equipment identified. The committee may use ballots cast in prior elections to test ballot counting equipment, provided that such use is in conjunction with the secretary of state and with the approval of the ballot law commission.

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

VI. Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the secretary of state, the attorney general, and the state library on or before November 30, 2021.

##### 2 State General Election Recounts; Conduct of Recount. Amend RSA 660:5 to read as follows:

660:5 Conduct of Recount. If directed by the secretary of state, the state police shall collect all ballots requested from the town or city clerks having custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office ***or question, including votes cast for the candidates or question on the ballot, write-in votes, and not voted (resulting from overvotes or undervotes)***, shall be counted by the secretary of state and such assistants as the secretary of state may require. When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots. The candidates, their counsel, and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. If the candidate requesting the recount cannot attend the recount, the candidate shall designate, in writing, to the secretary of state the name of an individual who will attend the recount and who will be authorized to make decisions on the candidate's behalf. Each candidate or his or her counsel or designee shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is resolved, at which time the secretary of state shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3.

3 Ballot Law Commission; General Duties. Amend RSA 665:6, III to read as follows:

**III. When the ballot law commission finds by a majority vote of members present and voting that a significant and unexplained discrepancy exists between the election results reported by moderators and the recount conducted pursuant to RSA 660, the results of any audit conducted by the secretary of state, or any other credible information that the commission believes, if not resolved, could undermine public confidence in the accuracy of election results, the commission shall request the attorney general to investigate.**

**IV.** The jurisdiction vested in the ballot law commission under paragraphs I and II of this section shall be exclusive of all other remedies.

4 Attorney General; Enforcement of Election Laws. Amend RSA 7:6-c, II to read as follows:

**II. Without limiting the authority granted pursuant to paragraph I, whenever the ballot law commission requests an investigation to be conducted pursuant to RSA 665, or upon his or her own motion, the attorney general may unseal and reseal ballot boxes, examine or cause to be examined for that purpose any equipment, books, records, papers, ballots, or other documentary materials, or may examine any person under oath and subject to the pains and penalties of perjury that the attorney general thinks may have knowledge of any violation of election laws.**

**III.**(a) Beginning January 31, 2013, the attorney general shall, at least once during every 6-month period, provide a rolling report to the general court on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law.

(b) The report shall include, but not be limited to the following:

(1) A summary of complaints received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months, including the number of complaints categorized by type of complaint and month received.

(2) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.

(3) For each complaint not investigated, an explanation of why the complaint was not investigated.

(c) The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by including with the report, for the complaint described, a closure letter, settlement agreement, cease and desist order, or complaint filed with a court, or any other official communication.

5 Enforcement of the Election Laws; Impounding Ballots. Amend RSA 666:13 to read as follows:

**666:13 Impounding Ballots.** If directed by the attorney general as part of his enforcement of the election laws **pursuant to RSA 7:6-c**, the state police which he designates shall collect all ballots requested from **secretary of state or** the town and city clerks who have custody of the ballots. The state police shall deliver the ballots to the public facility which is designated by the attorney general **and may conduct inspections of the ballots as the investigation requires.**

6 Effective Date. Part IV of this act shall take effect upon its passage.

Amend the bill by replacing Part V with the following:

## PART V

Relative to the Duties of the Registers of Probate.

1 Establishing Compensation; Register of Probate. Amend RSA 23:7 to read as follows:

**23:7 Establishing Compensation.** Every county convention shall have the power to establish salaries, benefits, and other compensation paid to elected county officers including the county attorney, sheriff, register of deeds, **register of probate**, treasurer, and county commissioners. For the purposes of this section, **except for the register of probate**, "compensation" shall include salary, longevity pay, vacation and sick pay, allowances, and all other payments made by the county to its officers, plus the fair market value of any compensation paid in kind if reportable as income for federal income tax purposes, plus all fringe benefits that may be provided including health insurance and retirement, and may also include an upper limit on the amount of

mileage and out-of-pocket expenditures reimbursable to each officer. Said compensation shall be established biennially by the county convention prior to the filing date required under RSA 655:14 for the elected offices listed in this section, upon recommendation of the executive committee which shall remain in effect during their term of office. Notwithstanding any other provision of law to the contrary, in counties in which any of the officers listed in this section receive fees or mileage, or both, for services performed by them as part of their compensation, the county convention may put such officer on a salary and expenses basis. Such officer may be required to continue to collect the usual fees and mileage for the service performed and to pay over all such fees and mileage to the county treasurer for the use of the county. In such event, the amount such officer received in fees and mileage, less expenses, shall be included in determining the minimum at which his *or her* salary may be established unless a lesser amount is agreed upon by the incumbent officer at that time. In no case, ***except for the register of probate***, shall the salary or other compensation of any of such officers be established at a lesser amount than that which was in effect December 31, 1972.

2 Salaries for Counties; Register of Probate. Amend RSA 23:8 to read as follows:

23:8 Salaries for Counties.

***I. Every county shall establish the salary for its register of deeds at a fixed dollar value. Said salaries may not be established either in part or in total as a percentage of fees or other charges or payments collected by said register. Said salaries shall be established not less than biennially by the county convention, upon recommendation of the executive committee. In no case shall the salary of any of said registers of deeds be a lesser amount than the salary which said register was receiving on January 1, 1974.***

***II. Every county shall establish the salary for its register of probate at a fixed dollar value. Said salaries may be established either in part or in total as a percentage of fees or other charges or payments collected by the county treasurer or the state and consistent with RSA 548:17. Said salaries shall be established not less than biennially by the county convention, upon recommendation of the executive committee.***

***III. There is hereby established in the state treasury a separate fund to be known as the county registers of probate fund, which shall be used to help fund salaries, benefits and other compensation paid by counties to registers of probate. The fund shall consist of all moneys collected pursuant to RSA 490:24, III and RSA 490:27, III. Payment to the counties shall be limited to the extent funds are available in the county registers of probate fund.***

***IV. Moneys in the county registers of probate fund shall be nonlapsing and continually appropriated to the counties for the purposes stated in RSA 23:8, III.***

***V. Counties shall report to the state treasurer each year on or before the 15<sup>th</sup> of March, June, September, and December the total salary and benefits paid to registers of probate in each county since the last report. The administrative judge of the circuit court shall provide by the same dates a summary of the number of probate court filings by county since the last report. The state treasurer shall pay to the counties on or before the 30<sup>th</sup> of March, June, September, and December of each year a distribution from the county registers of probate fund an amount up to the total salary paid by each county in the previous reporting period. The distribution to the counties shall be calculated on a pro-rata allocation based on the number of probate court cases filed in each county.***

3 New Paragraph; Supreme Court; Costs; Entry Fees. Amend RSA 490:24 by inserting after paragraph II the following new paragraph:

***III. The sum of \$20.00 shall be added to each entry fee collected in the probate division of the circuit courts and shall be deposited into the county register of probate fund established under RSA 23:8, III.***

4 New Paragraph; Probate Court Fees. Amend RSA 490:27 by inserting after paragraph II the following new paragraph:

***III. The sum of \$20.00 shall be added to each entry fee collected in the probate division of the circuit courts and shall be deposited in the county registers of probate fund established under RSA 23:8, III.***

5 Judicial Conduct Commission; Definitions; Clerk. Amend RSA 494-A:2, I to read as follows:

***I. "Clerk" means a clerk of court or a deputy clerk, [a register of probate or deputy register,] a court stenographer or reporter, and any person performing the duties of a clerk[; register,] or reporter.***

6 Registers of Probate; Residence. Amend RSA 548:1 to read as follows:

548:1 Residence, Etc. The register of probate shall ~~[dwell]~~ **reside** in the county in which ~~[the probate records are required to be kept]~~ **he or she is elected**. If a register shall ~~[dwell]~~ **reside** in any other county and continue so ~~[dwelling]~~ **residing** for 30 consecutive days, the office shall be deemed vacant.

7 New Sections; Registers of Probate; Authority; Deputy Registers of Probate. Amend RSA 548 by inserting after section 1 the following new sections:

548:1-a Authority. The register of probate shall have an office collocated with the county resister of deeds or such other location as determined by the county commissioners. The authority and responsibility of the register of probate shall be to assist parties with probate court filings and probate process governed under state statute.

548:1-b Deputy Registers of Probate. The county commissioners may appoint a deputy to perform the duties of the register of probate in case of sickness, temporary absence, disability, or other cause. Such appointment shall be made in writing and shall be for a length of time not exceeding the register of probate's remaining term of office. The deputy shall be qualified in the same manner as the appointing officer and perform the duties of the register of probate under statute, until such time as the appointment is no longer necessary. The appointed deputy shall be compensated from the register of probate's salary or as otherwise directed by the county delegation.

8 Registers of Probate; Preservation of Files. Amend RSA 548:5 to read as follows:

548:5 Preservation of Files. The register of probate shall be responsible for coordinating with the secretary of state and the administrative judge of the circuit court established in RSA 490-F the preservation of any closed files having the potential for historical significance. The register may recommend that these files be sent to the records center established under RSA 5. ***Beginning on July 1, 2022, all paper probate records older than 40 years shall be kept in the state archives unless such records are otherwise necessary for the operation of the probate division.*** The register of probate shall maintain a current index describing the location of any files which have been removed from the court pursuant to this section. ***Except for records that contain personal information as defined by RSA 359-C:19, IV, the secretary of state, division of archives and records management shall make available on its website links to all available electronically scanned New Hampshire probate records, including those created or maintained by any nongovernmental entity until such time as the state has the capability to make all such records available through state resources.***

9 New Section; Record of Decedent's Real Estate. Amend RSA 548 by inserting after section 7-a the following new section:

548:7-b Record of Decedent's Real Estate. Whenever it appears from the inventory or any other instrument pertaining to real estate filed with the probate court in connection with the administration of any estate that the estate contains real estate located in another county within the state, the probate court shall notify within 15 days the register of deeds of the county in which the real estate lies of the name and date of death of the decedent. A register of deeds who receives such a notice shall record in the grantor's index the name of the decedent, his or her date of death, and the county in which the estate is being probated. The cost for filing said notice shall be assigned to the estate.

10 Probate Courts and Decedents' Estates; Publication and Notice in Newspaper RSA 550:10 is repealed and reenacted to read as follows:

550:10 Publication and Notice in Newspaper. Whenever notice is required to be published in a newspaper by any provision of this title, the probate division of the circuit court shall cause such notice to be made available to the public on the New Hampshire judicial branch website or by other electronic media not less than 2 weeks before the date for which notice is given, unless otherwise ordered by the judge.

11 County Officers; Vacancies; Registers of Probate. Amend RSA 661:9 to read as follows:

661:9 County Officers.

I. If a vacancy for a period of one year or longer occurs in the office of county sheriff, county attorney, register of deeds, **register of probate**, or county treasurer, the members of the county convention shall fill the vacancy for the unexpired term by a majority of the ballots cast. If a vacancy for a period of less than a year occurs in any such office, the members of the county convention shall, by majority vote of the county convention, vote to either fill the vacancy or to leave the office vacant.

II.(a) If a vacancy occurs in the office of a county commissioner, the members of the county convention, or, if the vacancy occurs in Hillsborough county, the members of the county convention representing the cities and towns in the commissioner's district, shall fill the vacancy by a majority of the ballots cast until the next biennial election of county officers. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the voters of the county for a 2-year term.

(b) The provisions of subparagraph (a) shall apply only where the vacancy occurred no later than 30 days preceding the printing of the ballots for the primary election.

(c) The provisions of RSA 655:32 and RSA 655:37 relating to nominations by appropriate party committees for vacancies in an office on a primary or general election ballot, respectively, shall apply to vacancies to be filled under this paragraph.

III. If any person holding a county office enumerated in paragraph I or II becomes temporarily absent or incapacitated, the county convention may, upon application of the county attorney or county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment.

IV. Any officer of a county [~~including the register of probate,~~] may be removed by the county convention for official misconduct. Any removal under this paragraph shall be initiated by petition of a majority of the county commissioners, of the county attorney, or of a superior court judge. No officer of a county may be removed without notice of the allegations supporting the petition for removal and an opportunity to be heard by the county convention.

12 New Subparagraph; Application of Receipts; Probate. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited into the county registers of probate fund established in RSA 23:8, III.

13 Repeal. The following are repealed:

I. RSA 548:28, relative to the penalty for registers of probate.

II. RSA 661:9-a, relative to vacancies in office of register of probate.

14 Effective Date. Part V of this act shall take effect January 1, 2023.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 173-FN, requiring the independent investment committee of the New Hampshire retirement system to report investment fees.

Ought to Pass, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### FINANCE

SB 72-FN-A-L, relative to a state share of retirement system contributions by employers.  
Inexpedient to Legislate, Vote 5-2. Senator Daniels for the committee.

Senator Daniels moved to Lay on the Table.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

SB 85-FN, establishing a broadband matching grant initiative and fund.  
Ought to Pass, Vote 7-0. Senator Hennessey for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 101-FN, increasing the minimum gross business income required for filing a business profits tax return.  
Ought to Pass, Vote 7-0. Senator Giuda for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 114-FN, relative to protecting the safe use and enjoyment of publicly-accessible recreation areas.  
Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 119-FN, relative to the ordinary death benefit in the retirement system.  
Inexpedient to Legislate, Vote 5-2. Senator Daniels for the committee.

Senator Bradley moved to Lay on the Table.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

SB 124-FN, adopting omnibus legislation relative to insurance.  
Ought to Pass with Amendment, Vote 7-0. Senator Daniels for the committee.

Senate Finance  
March 16, 2021  
2021-0857s  
06/11

#### Amendment to SB 124-FN

Amend Part IV of the bill by replacing section 1 with the following:

1 New Section; Medicare Supplemental Insurance; Premiums. Amend RSA 415-F by inserting after section 8 the following new section:

415-F:9 Premiums. Upon a Medicare eligible disabled member attaining the age of 65, no issuer shall continue to charge that member the under age 65 premium.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4  
March 24, 2021  
2021-1000s  
06/11

#### Floor Amendment to SB 124-FN

Amend the bill by replacing Part III with the following:

#### PART III

Relative to self-service storage insurance.

1 New Chapter; Self-Service Storage Insurance. Amend RSA by inserting after chapter 402-N the following new chapter:

#### CHAPTER 402-O SELF-SERVICE STORAGE INSURANCE

402-O:1 Definitions. In this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Location" means any physical location in the state of New Hampshire.

III. "Owner" means a business entity that is the owner, lessor, or sublessor of a self-service storage facility, the owner's agent, or any other person authorized by the owner to manage the facility, or to receive rent from a renter. The owner may be a resident or non-resident of this state.

IV. "Personal property" means movable property not affixed to land.

V. "Rental agreement" means any written agreement that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a rented space at a self-service storage facility.

VI. "Renter" means a person, or any agent or representative of the person, entitled to the use of rented space at a self-service storage facility under a rental agreement to the exclusion of others.

VII. "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space in which the renters themselves customarily store and remove their own personal property on a self-service basis. A self-service storage facility is not a warehouse as the term "warehouse" is used in RSA 382-A:7-102.

VIII. "Self-service storage insurance" means personal property insurance offered in connection with and incidental to the rental of a rented space at a self-service storage facility and which provides coverage to renters for the loss of or damage to personal property occurring at the facility or when the property is in transit to or from the facility during the period of the rental agreement.

IX. "Supervising entity" means a business entity that is a licensed admitted insurer or insurance producer licensed under RSA 402-J that is appointed or authorized by an insurer to supervise the administration of a self-service storage insurance program.

#### 402-O:2 Licensure of Owners.

I. An owner shall hold a limited lines license to sell or offer coverage for self-service storage insurance at any location in this state. An owner is not required to hold a license solely to display and make available to renters and prospective renters brochures and other promotional materials created by or on behalf of an authorized insurer or surplus lines insurer.

II. A limited lines license issued under this chapter shall authorize the owner and the employees and authorized representatives of the owner to sell and offer coverage for self-service storage insurance to renters at each location at which the owner conducts business.

III. The supervising entity shall maintain a registry of each location at which the owner sells or offers self-service storage insurance in this state.

IV. Notwithstanding any other provision of law, a license issued pursuant to this chapter shall authorize the licensee and its employees and authorized representatives to engage in those activities that are permitted in this chapter.

V. Owners, and their employees and authorized representatives, are exempt from all examination and education requirements under RSA 402-J in regard to self-service storage insurance.

#### 402-O:3 Marketing Requirements for Sale of Self-Service Storage Insurance.

I. An owner shall not offer or sell insurance under this section unless:

(a) The owner provides to the renter written notice that:

(1) Summarizes the material terms of insurance coverage offered to renters, including the identity of the insurer, premium amount, benefits, exclusions, and conditions.

(2) Discloses that the policies offered by the owner may provide a duplication of coverage already provided by a renter's homeowner's insurance policy, residential renter's insurance policy, vehicle insurance policy, watercraft insurance policy, or other source of property insurance coverage and that no liability coverage is provided by the insurance coverage. This disclosure shall be displayed prominently in 12-point type or capital letters and shall read as follows:

Your renters' or homeowners' policy may provide the insurance you need. Check with your insurance agent to determine if your personal property stored at a location other than your home or business is covered.

(3) States that if insurance is required as a condition of rental, the requirement may be satisfied by the renter purchasing the insurance described in this section or by presenting evidence of other applicable insurance coverage.

(4) Describes the process for filing a claim.

(b) All costs related to the insurance are stated in writing.

(c) Evidence of coverage in a form developed by the insurer or supervising entity is provided to every renter who purchases the coverage.

(d) The insurance is provided by an insurer authorized to transact the applicable kinds of insurance in this state.

II. Self-service storage insurance may be offered on a month-to-month or other periodic basis under an individual policy or a group or master commercial policy coverage with limits not exceeding \$10,000 in aggregate. All self-service storage insurance policy forms, endorsements, and other contract language shall be submitted pursuant to RSA 412:5, II. RSA 412:5, VI shall not apply to self-service storage insurance regardless of the type of insurance.

#### 402-O:4 Authority of Owners.

I. The employees and authorized representatives of owners may sell and offer self-service storage insurance to renters and shall not be subject to licensure as an insurance producer under this chapter provided that:

(a) The owner obtains a limited lines license to authorize its employees and authorized representatives to sell and offer self-service storage insurance pursuant to this chapter.

(b) The insurer issuing the self-service storage insurance either directly supervises or appoints a supervising entity to supervise the administration of the program, including development of a training program for employees and authorized representatives of the owners. The training required by this section shall comply with the following:

(1) The training shall be delivered to the employees and authorized representatives who are directly engaged in the activity of selling and offering self-service storage insurance.

(2) The training may be provided in electronic form. However, if conducted in electronic form the supervising entity shall implement a supplemental education program regarding the self-service storage insurance that is conducted and overseen by a licensed producer.

(3) Each employee and authorized representative who is directly engaged in the activity of selling and offering self-service storage insurance shall receive basic instruction about the self-service storage insurance offered to renters and the disclosures required under RSA 402-O:3.

(4) The training program shall be submitted to the commissioner for approval.

(c) No employee or authorized representative of an owner shall advertise, represent, or otherwise hold himself or herself out as a non-limited lines licensed insurance producer, unless otherwise licensed.

II. The charges for self-service storage insurance coverage may be billed and collected by the owner and its employees and authorized representatives. Owners billing and collecting such charges shall not be required to maintain such funds in a segregated account provided that the owner is authorized by the insurer or supervising entity to hold such funds in an alternative manner and remits such amounts to the insurer or supervising entity within 60 days of receipt. All premiums received by an owner from a renter for the sale of self-service storage insurance shall be considered funds held by the owner in a fiduciary capacity for the benefit of the insurer. An owner may receive compensation for billing and collection services.

#### 402-O:5 Application for License.

I. A sworn application for a license under this chapter shall be made to and filed with the commissioner on forms prescribed and furnished by the commissioner. The applicant may be a resident or non-resident of this state.

II. The application shall provide:

(a) The name, residence address, and other information required by the commissioner for an authorized representative of the owner or supervising entity that is designated by the applicant as the person responsible for the owner's compliance with the requirements of this chapter. However, if the owner derives more than 50 percent of its revenue from the sale of self-service storage insurance the information noted above shall be provided for all officers, directors, and shareholder of record having beneficial ownership of 10 percent or more of any class of securities registered under the federal securities law; and

(b) The location of the owner's home office.

III. Any owner engaging in self-service storage insurance transactions on or before the effective date of this chapter shall apply for licensure within 90 days of the application being made available by the commissioner. Any applicant commencing operations after the effective date of this chapter shall obtain a license prior to offering self-service storage insurance.

IV. Initial licenses issued pursuant to this chapter shall expire on the second May 31 from the date of issue. Renewed licenses shall be effective for 2 years, expiring on May 31.

V. Each owner licensed under this chapter shall pay a fee as determined by the commissioner provided that the fee shall not exceed \$500 for an initial self-service storage insurance license and \$250 for each license renewal. However, for an owner who sells self-service storage insurance at 10 or fewer locations in the state the fee shall not exceed \$150 for an initial license and for each renewal of a license.

VI. A self-service storage insurance license which lapses may, within 24 months from the due date of the renewal, be reinstated with a penalty in the amount of double the unpaid renewal fee for any renewal received after the due date pursuant to paragraph IV.

2 Effective Date. Part III of this act shall take effect January 1, 2022.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 127-FN-A-L, adopting omnibus legislation on appropriations.

Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance

March 16, 2021

2021-0861s

08/10

#### Amendment to SB 127-FN-A-LOCAL

Amend Part II of the bill by replacing it with the following:

#### PART II

#### Establishing an animal records database.

1 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the following new sections:

437:8-a Animal Records Database Established.

I. The department of agriculture, markets, and food shall design, establish, and contract with a third party for the implementation and operation of an electronic system to facilitate the handling of animal records.

II. The department shall maintain a reporting system capable of receiving electronically transmitted records from veterinarians. The commissioner shall adopt rules under RSA 541-A to govern methods of obtaining, compiling, and maintaining such information he or she deems necessary to manage such database including procedures for providing authorized access. The commissioner shall also ensure that the database is secure from unauthorized access or use.

III. The commissioner may issue a waiver to a veterinarian who is unable to submit information by electronic means. Such waiver may permit the veterinarian to submit information by paper form or other means, provided all information required by RSA 437:8 is submitted in this alternative format and within the established time limit.

IV. The commissioner may grant a reasonable extension to a veterinarian who is unable, for good cause, to submit all the information required by RSA 437:8 within the established time limits. Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be immune from any civil or criminal liability as the result of such good faith reporting.

V. There is established a nonlapsing fund to be known as the animal records database fund in the department of agriculture, markets, and food which shall be kept distinct and separate from all other funds. All moneys in the animal records database fund shall be nonlapsing and continually appropriated to the commissioner, and except as otherwise provided in law, shall be used for the purpose of administering and maintaining the animal records database established in this section. The database fund shall draw moneys only from grants and appropriations.

VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA 435:20, V, and the integrated pest management fund established under RSA 430:50, as provided in RSA 430:50, IV.

#### 437:8-b Confidentiality.

I. Information submitted to the animal records database is exempt from public disclosure, and shall not be subject to discovery, subpoena, or other means of legal compulsion for release. Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not affect the disclosure of information used in official local, state, or federal animal health investigations or pet vendor license investigations under this chapter. Database records, information, or lists may be made available pursuant to a court order on a case-by-case basis. Any information, record, or list received pursuant to this paragraph shall not be transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.

II. The department shall establish and maintain procedures to ensure the privacy and confidentiality of animal and animal owner information.

III. The department may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

IV. No animal records database records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

V. Certificates of transfer shall be removed from the animal records database after 4 years.

VI. Any person who knowingly accesses, alters, destroys, publishes, or discloses animal records database information except as authorized in this section or attempts to obtain such information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

2 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as follows:

#### 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

I. For purposes of this chapter, an official certificate of transfer means an electronic record electronically submitted to the animal records database by a licensed veterinarian, containing the name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included in the certificate.

II. The electronically submitted certificate of transfer shall be considered the official certificate of transfer. A copy of the certificate of transfer of the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection by the department, or local officials for up to one year after the animal has left the facility. The public shall be informed of their right to inspect a copy of the certificate of transfer for each dog, cat, or ferret offered for transfer by a sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, a copy of that animal's certificate of transfer shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee.

III. For purposes of this chapter, an official certificate of transfer waiver means an electronic record electronically submitted to the animal records database provided in lieu of an official certificate of transfer for a dog, cat, or ferret that has failed the examination for an official certificate of transfer because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus. The waiver shall contain the name and address of the entity transferring ownership of the dog, cat, or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret; the reason for failure of the examination for the official certificate of transfer; and the signature of the transferee indicating that the transferee has knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included in the certificate of transfer waiver. The waiver shall be submitted electronically to the animal records database by a New Hampshire licensed veterinarian.

IV. No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

V. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer.

VI. No animal shelter shall transfer any dog, cat or ferret that is received from outside of the state without an official transfer certificate and until the quarantine requirements in 437:8, IV have been met. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the other requirements of this section relative to transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using vaccines approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by a copy of the official certificate of transfer or official certificate of transfer waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the transferred animal is accompanied by a copy of the official certificate of transfer or official certificate of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it shall be prima facie evidence of transfer.

3 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited in the animal records database fund established in RSA 437:8-a, V.

4 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend RSA 435:20 by inserting after paragraph IV the following new paragraph:

V. The commissioner shall transfer funds from the agricultural product and scale testing fund established under RSA 435:20, IV to the animal records database fund established in RSA 437:8-a to develop and

make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the agricultural product and scale testing fund to the animal records database fund for this purpose.

5 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall transfer funds from the integrated pest management fund established in this section to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the integrated pest management fund to the animal records database fund for this purpose.

6 Repeals. The following are repealed:

I. RSA 430:50, IV, relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds from the integrated pest management fund.

II. RSA 435:20, V, relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

7 Health Certificates; Renamed Transfer Certificates. Amend RSA 437:8 to read as follows:

437:8 [Health] **Transfer** Certificates for Dogs, Cats, and Ferrets.

I. For purposes of this chapter, an official[~~health~~] **transfer** certificate means a certificate signed by a licensed veterinarian, containing the name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included on or attached to the certificate.

II. The original of the official [health] **transfer** certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection by the department, local officials, or a member of the public upon request up to one year after the animal has left the facility. The public shall be informed of their right to inspect the [health] **transfer** certificate for each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that animal's [health] **transfer** certificate shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination by a licensed veterinarian for an official [health] **transfer** certificate. The transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

III. No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer.

V. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by an official [health] **transfer** certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a [health] **transfer** certificate issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph III. If an official [health] **transfer** certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy of the [health] **transfer** certificate to the department of agriculture, markets, and food upon request.

#### 8 Applicability; Effective Dates.

I. Section 2 of this act shall take effect when the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services that the animal records database established in RSA 437:8-a is operational.

II. Section 6 of this act shall take effect 2 years from the date on which the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services, that the animal records database established in RSA 437:8-a is operational.

9 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of agriculture, markets, and food for the maintenance of the animal records database. These appropriations are in addition to any other funds appropriated to the department of agriculture, markets, and food. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 Position Established. The classified position of IT Manager III is established in the department of information technology to develop and administer the animal records database established in RSA 437:8-a.

#### 11 Effective Date.

I. Section 2 of this act shall take effect as provided in paragraph I of section 8 of this act.

II. Section 6 of this act shall take effect as provided in paragraph II of section 8 of this act.

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

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

Senator Bradley moved to Lay on the Table.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

#### JUDICIARY

SB 60-FN, prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

Pending Motion: Ought to Pass, SJ 8.

Senator Bradley.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23

March 24, 2021

2021-1014s

04/08

#### Floor Amendment to SB 60-FN

Amend RSA 265-A:46, V(a) as inserted by section 1 of the bill by replacing it with the following:

(a) "Marijuana" shall have the same meaning as "cannabis-type drug" defined in RSA 318-B:1, IV.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Daniels, Avard, Rosenwald, Carson, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Sherman, Morse.

The following Senators voted No: Kahn, Whitley, Perkins Kwoka.

Roll Call, Yeas: 21 - Nays: 3. Adopted, bill ordered to Third Reading.

SB 95-FN, adopting omnibus legislation relative to remote meetings and penalties for violation of privacy. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Judiciary

March 10, 2021

2021-0762s

06/10

#### Amendment to SB 95-FN

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

AN ACT adopting omnibus legislation establishing a committee to study remote meetings and relative to penalties for violation of privacy.

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I. Establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

Part II. LSR 21-0167, relative to penalties for violation of privacy, sponsored by Sen. Gray, Prime/Dist. 6.

2 Legislation Enacted. The general court hereby enacts the following legislation:

#### PART I

Establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

1 Committee Established. There is established a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A..

2 Membership and Compensation.

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

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

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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 review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

6 Effective Date. Part I of this act shall take effect upon its passage.

#### PART II

Relative to penalties for violation of privacy.

1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting after paragraph IV the following new paragraph:

IV-a. Any person convicted of a class A misdemeanor under paragraphs I-IV who commits a second or subsequent offense under paragraphs I-IV may be charged with a class B felony for the second or subsequent offense.

2 Effective Date. Part II of this act shall take effect January 1, 2022.

2021-0762s

#### AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Studying remote meetings of governing bodies.

II. Penalties for violation of privacy.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: (None)

The following Senators voted No: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

Roll Call, Yeas: 0 - Nays: 24. Failed.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11

Sen. Perkins Kwoka, Dist 21

March 24, 2021

2021-1016s

06/08

#### Floor Amendment to SB 95-FN

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

AN ACT adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0911, relative to remote access to meetings under RSA 91-A, sponsored by Sen. Perkins Kwoka, Prime/Dist. 21; Sen. Rosenwald, Dist. 13; Sen. Cavanaugh, Dist. 16; Sen. D'Allesandro, Dist. 20; Sen. Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Sen. Whitley, Dist. 15; Rep. Porter, Hills. 1; Rep. Maggiore, Rock. 22; Rep. Espitia, Hills. 31; Rep. Gourgue, Straf. 25; Rep. Wilhelm, Hills. 42.

Part II. LSR 21-0167, relative to penalties for violation of privacy, sponsored by Sen. Gray, Prime/Dist. 6.

Part III. Establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A, sponsored by Sen. Daniels, Prime/Dist. 11, Sen. Perkins Kwoka, Dist. 21.

2 Legislation Enacted. The general court hereby enacts the following legislation:

#### PART I

##### Relative to remote access to meetings under RSA 91-A.

1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-A:2, III to read as follows:

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

~~[(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.]~~

~~(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.]~~

~~(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting.]~~

***(a) A physical location is not required for any meeting, provided the meeting complies with the provisions of this paragraph.***

***(b) If a meeting has no physical location, public access shall be provided to the public by telephone, and additional access may be provided by video or other electronic means.***

***(c) If a meeting has no physical location, public notice of the meeting, with all information necessary to access the meeting telephonically and by other means, shall be given as provided in this chapter. The notice shall provide a mechanism for the public to alert the public body during the meeting if there are problems with access. The meeting shall be adjourned if the public is unable to access the meeting because of any technical communication problems experienced by the provider of the communication media.***

***(d) Each member participating electronically or otherwise [must] in a meeting required to be open to the public shall be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location, if the meeting has a physical location. Any member participating in such fashion shall identify the location from which the person is participating and the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.***

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

~~(e)~~ ***(f) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.***

2 Access to Governmental Records and Meetings; Meetings Open to the Public. RSA 91-A:2, III is repealed and reenacted to read as follows:

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

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

(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

### 3 Effective Date.

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

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

## PART II

Relative to penalties for violation of privacy.

1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting after paragraph IV the following new paragraph:

IV-a. Any person convicted of a class A misdemeanor under paragraphs I-IV who commits a second or subsequent offense under paragraphs I-IV may be charged with a class B felony for the second or subsequent offense.

2 Effective Date. Part II of this act shall take effect January 1, 2022.

## PART III

Establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

1 Committee Established. There is established a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

2 Membership and Compensation.

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

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

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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 review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

6 Effective Date. Part III of this act shall take effect 60 days after its passage.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

## TRANSPORTATION

HB 423, establishing a commission to study the implementation of enhanced automation of traffic lights. Ought to Pass with Amendment, Vote 4-0. Senator Sherman for the committee.

Senate Transportation

March 17, 2021

2021-0865s

06/08

## Amendment to HB 423

Amend RSA 236:8-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 236:8-a, II as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) A member of the New Hampshire Municipal Association with experience in the implementation of enhanced automatic traffic lights, appointed by the association.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

## WAYS AND MEANS

SB 100, adopting omnibus legislation on commissions and committees.

Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Ways and Means

March 16, 2021

2021-0853s

05/06

## Amendment to SB 100

Amend RSA 72:23-o, I as inserted by section 1 of Part II of the bill by inserting after subparagraph (l) the following new subparagraph:

(m) One representative from the NH Center for Nonprofits, appointed by the organization.

Amend Part V of the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

Amend section 2 of Part VI of the bill by replacing subparagraph I(a) with the following:

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

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

The question is on the adoption of the motion to adjourn from the Early Session.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. Adjournment from the Early Session.

#### LATE SESSION

#### LIST OF RULE 6-25'S FOR THE DAY

Senator Daniels: SB 124-FN

#### ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I ask for unanimous consent. Thank you, Mister President. Mister President, many times when I've spoken with you and I've spoken with my colleagues, I iterate that life is all about relationships. I believe strongly in that and I think relationships are what makes a person better.

I made a relationship a number of years ago, with a State Senator from the state of Connecticut. He was Majority Leader in the Senate and the Chairman of the Committee on Transportation. His name was Biagio "Billy" Ciotto. Billy passed away over this weekend and I will be in Connecticut on Monday to be a pallbearer at his funeral. Billy was an amazing man. Who truly loved people and was loved by so many in return. There'll never be another like Billy Ciotto. Billy went to work at the Motor Vehicle Department in Connecticut and spent forty-two years with the Department of Motor Vehicles. He started out as a teletype machine operator on the midnight shift, worked his way through DMV, became an inspector, a supervisor, a manager, a director of registry and title, and in 1987 was appointed to the position of Deputy Commissioner by then Governor William O'Neill. Billy served as Deputy Commissioner until he retired in 1989. He then ran for the State Senate in Connecticut. He was overwhelmingly elected to the State Senate, as I said served on the Committee on Transportation, and was known for his ability to reach across the aisle, bring about common sense bipartisanship to make legislative solutions. And as Chairman of the Transportation Committee, Billy would often say, there are no Democrats, there's no way to pave a road, and there's no Republican ways to build a bridge. It's all about people. They just want to be able to drive on safe roads and bridges. Billy started the Italian-American Legislative Caucus in the Connecticut Senate with Republicans and Democrats and they created a bipartisan educational scholarship fund to promote appreciation and understanding of Italian-American history and culture. He retired from the Senate and then went to work for Congressman John Larson, helping countless constituents of the 1<sup>st</sup> Congressional District until he passed away.

Billy had a great love for people. I would speak to Billy one or two times a week every week, from the time he was on the Committee for Transportation, to the time he was working for Congressman Larson, and in the last years of his life. My wife and I drove to Connecticut to see him two weeks ago when we knew he was failing. He had five children. He worked tirelessly so that his wife could stay at home and raise the children and be a homebody. Billy Ciotto was one of a kind. They will lower the flag at the state, the Governor of Connecticut has been asked to do this. I think every Congressman and Senator from Connecticut has expressed concern about his passing. And the reason is he was a good person and he loved people and he loved what he did and he loved what he did. His family is devastated by his passing, we're devastated by his passing. But we have great memories of Billy Ciotto as a quality human being, a guy who was in public service for all of the right reasons and I've lost a very, very dear, dear friend. I think all of us in this body recognize the fact that when we leave here, it's relationships that we're going to carry forward, the relationships we've made in this Senate and made throughout life. I can tell you Billy Ciotto was about five feet tall. He was just a little Italian guy, who had a cigar all the time and he manifested a love for people that was really something to behold. God rest his soul and thank you all for giving me this opportunity to express my love, my affection and my deep feeling about the loss of a man who was just a great American and who did so much for the people that he represented. Thank you, Mister President.

(The Chair recognized Senator Ricciardi.)

SENATOR RICCIARDI: Thank you, Mister President, and members of the Senate. It's truly an honor to be here today as a Greek American and celebrate the 200<sup>th</sup> anniversary of Greek Independence Day. March 25<sup>th</sup>, just like our Fourth of July isn't just a celebration. It's a reminder about the sacrifices our forefathers made in the advancement of our freedom and our democracy. It's a reminder that even through the concept of democracy first took shape in Ancient Greece over 2,000 years ago that they found themselves under the brutal rule of a foreign empire for over 400 years. It's also a reminder that the human spirit desires to be free. To every Greek and Greek American in our state I want to wish you a happy Greek Independence Day. *Zito E Ellas*.

PRESIDENT MORSE: Thank you, Senator Ricciardi. Senator Ricciardi, Commissioner Copadis said he's delivering a gift at lunch to me today so, if we could get through all this I'm going to go celebrate.

SENATOR RICCIARDI: Be ready, I'm sure it's something edible.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise for unanimous consent. I don't want to be too long in getting between you and something from the commissioner. It's certain to be good. Many of you may have known Mayor Dale Pregent of Keene. Served as mayor from 2008 to 2012. I had the pleasure of working with him as city Councilor, as Mayor. Dale was an honest, fair, and a good listener of multiple sides to issues. Dale passed away this last week and it's with regrets to his two sons, Tim and Greg that I offer some comments to say we'll miss this strong man that was a true servant to the people of Keene.

On another note, I just want to read a couple of paragraphs from a recent letter to the editor from a wonderful Keene member, a past Citizen of the Year, who is of Asian descent, and third generation American. And he says in his letter, this year Asian Americans have either died or were injured by racially motivated assaults in our country. Right now, Asian Americans throughout our nation, particularly women and elderly Asians are fearful at stepping out of their homes for fear of being assaulted. Racial targeting of Asian Americans is not a new or recent phenomenon in our nation. My parents, my brothers, my sister, and my children, and I have all experienced our share of rancor toward us because of our race. There have been people who have tried to diminish me as a person based on their race. Some deliberately antagonistic, and others more subtly. However, fortunately, and more importantly there have been other people who have stepped up to stand next to me. So, for those, many of you that are willing to be supportive, this is a good time say and or do, something for someone whom you may know, who may be at risk for being racially targeted. If you have not already done so, consider reaching out to offer your support and let them know you stand with them. It will make all the difference in the world no matter how small your actions. Good words for the day, Mister President. Thank you.

PRESIDENT MORSE: I just want to take a moment to recognize the passing of former Senate Chief of Staff, Amy Ireland Borgault. Amy passed away last week at the age of fifty-five after a difficult battle with Parkinson's Disease, a battle she faced with tremendous courage. She served as the Chief of Staff to both Senate President Arthur Klemm and Senate President Tom Eaton. She loved politics. She was also a devoted mom and accomplished runner, finishing the Boston Marathon three times. Amy, the Senate is remembering you today, and we thank you for your service. We send our thoughts and prayers to your husband Tom and your two boys, Bobby and Benjamin. God Bless.

Senator Bradley moved that, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17).

The question is on the adoption of the motion that all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

PRESIDENT MORSE: I think we all still want to say hi to Tammy today. She blessed us with Jack, and I can tell you, Tammy, every time I tried to pause to let him get a breath he kept saying go, go, go. So, he did a great job for you today.

### LATE SESSION

#### Third Reading and Final Passage

HB 70, authorizing certification for the microblading of eyebrows.

HB 94-FN, relative to licensure renewal dates for certain governing boards under the office of professional licensure and certification.

HB 134, repealing certain inactive dedicated funds.

HB 150, making a technical correction and a clarification in the law governing death benefits for emergency medical technicians and rescue squad members.

HB 173-FN, requiring the independent investment committee of the New Hampshire retirement system to report investment fees.

HB 208, repealing RSA 323 regarding lightning rod dealers and salesmen.

HB 301, relative to the compensation appeals board.

HB 304, establishing a committee to study the funding of tuition and transportation for career technical education.

HB 311, establishing a committee to study rail trail best management practices.

HB 380, relative to the election of Grafton county commissioners.

HB 383, relative to the quarterly or semi-annual collection of taxes in certain municipalities.

HB 423, establishing a commission to study the implementation of enhanced automation of traffic lights.

HB 513, relative to the degree granting authority of Signum university and relative to the authority of the higher education commission.

SB 60-FN, prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

SB 85-FN, establishing a broadband matching grant initiative and fund.

SB 89, adopting omnibus legislation relative to election procedures and registers of probate.

SB 95-FN, adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.

SB 100, adopting omnibus legislation on commissions and committees.

SB 101-FN, increasing the minimum gross business income required for filing a business profits tax return.

SB 102, adopting omnibus legislation on property taxation.

SB 114-FN, relative to protecting the safe use and enjoyment of publicly-accessible recreation areas.

SB 124-FN, adopting omnibus legislation relative to insurance.

### MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

The question is on the adoption of the motion to recess to the Call of the Chair.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted. The Senate is in recess to the Call of the Chair.