



State of  
New Hampshire

# HOUSE RECORD

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

Calendar and Journal of the 2023 Session

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Concord, N.H.

Friday, March 17, 2023

No. 16

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

## HOUSE CALENDAR

### MEMBERS OF THE HOUSE:

The House will meet on Wednesday, March 22nd at 9:00 a.m. and Thursday, March 23rd at 9:00 a.m. The House will also meet on Thursday, April 6<sup>th</sup>, which is the deadline to act on all House Bills (crossover).

I'd like to thank everyone for your hard work in your policy committees during the recent reporting deadline, and for persevering through this busy legislative month of March.

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

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

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

Sherman A. Packard, Speaker of the House

### NOTICE

There will be a Democratic Caucus on **Wednesday, March 22nd at 8:00 a.m.** in the State House Cafeteria. There will be a Democratic Caucus on **Thursday, March 23rd at 8:30 a.m.** in the State House Cafeteria.

Rep. Matt Wilhelm, Democratic Leader

### NOTICE

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

Sherman A. Packard, Speaker of the House

### NOTICE

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

#### **CLOSES AT 3:00 p.m. ON:**

Wednesday, March 22, 2023

Wednesday, March 29, 2023

Wednesday, April 5, 2023

#### **AVAILABLE ON:**

Friday, March 24, 2023

Friday, March 31, 2023

Friday, April 7, 2023

Paul C. Smith, Clerk of the House

### 2023 HOUSE DEADLINES

Thursday, March 23, 2023

Last day to act on HBs not in a second committee, except budget bills

Thursday, March 30, 2023

Last day to report all remaining HBs

Last day to report list of retained HBs

Thursday, April 6, 2023	CROSSOVER Last day to act on all bills
Thursday, May 11, 2023	Last day to report Senate Bills going to a second committee
Thursday, May 18, 2023	Last day to act on SBs going to a second committee
Thursday, June 1, 2023	Last day to report all remaining SBs
	Last day to report list of retained SBs
Thursday, June 8, 2023	Last day to act on SBs
Thursday, June 15, 2023	Last day to form Committees of Conference
Thursday, June 22, 2023	Last day to sign Committee of Conference reports (4 p.m.)
Thursday, June 29, 2023	Last day to act on Committee of Conference reports

## NOTICE

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

## BILLS LAID ON TABLE

- HB 93**, authorizing municipalities to reduce speed limits seasonally. Pending question: Inexpedient to Legislate.
- HB 102-L**, requiring high schools to include instruction on the nature and history of communism. Pending question: Inexpedient to Legislate.
- HB 104**, relative to multi-stall bathrooms and locker rooms in schools. Pending question: No pending question.
- HB 123**, relative to governing body members of the budget committee. Pending question: No pending question.
- HB 148**, to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding. Pending question: Inexpedient to Legislate.
- HB 180**, renaming Columbus Day as Indigenous People's Day. Pending question: Ought to Pass with Amendment.
- HB 196**, establishing a commission to review and make recommendations on campaign finance laws. Pending question: No pending question.
- HB 246-FN**, relative to uses of moneys in the renewable energy fund. Pending question: No pending question.
- HB 294**, enabling municipalities to adopt a child tax credit. Pending question: Inexpedient to Legislate.
- HB 295-FN**, relative to requiring all selectboard and school board meetings to be recorded and broadcast live online. Pending question: Inexpedient to Legislate.
- HB 298**, relative to placement of personal wireless service facilities. Pending question: No pending question.
- HB 312**, relative to petitions for warrant articles at a special meeting. Pending question: Inexpedient to Legislate.
- HB 357**, relative to the length of terms for Belknap county officers. Pending question: No pending question.
- HB 399-FN**, allowing for a testing exception for graduation from high school. Pending question: Inexpedient to Legislate.
- HB 418-FN**, relative to eliminating the rebates distributed by the energy efficiency fund. Pending question: No pending question.
- HB 429-FN-L**, requiring the offering of breakfast and lunch in all public and chartered public schools. Pending question: Ought to Pass.
- HB 485**, establishing deputy animal control officers. Pending question: Inexpedient to Legislate.
- HB 487-FN**, establishing a New Hampshire farm-to-school reimbursement program. Pending question: No pending question.
- HB 514**, relative to the dissemination of obscene material by schools and institutions of higher learning. Pending question: No pending question.
- HB 598-FN**, relative to funding maternal mortality reviews. Pending question: Inexpedient to Legislate.
- HB 647-FN**, relative to causes of action for individual rights. Pending question: Inexpedient to Legislate.
- HCR 3**, relative to affirming states' power over the federal constitution. Pending question: Inexpedient to Legislate.
- HR 17**, affirming revenue estimates for fiscal years 2023, 2024, and 2025. Pending question: No pending question.

## WEDNESDAY, MARCH 22 CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**HB 417-FN**, relative to the definition of child abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Lorie Ball for Children and Family Law. The majority of those testifying before the Child and Family Law Committee did not support this bill. It was brought to the attention of the committee that federal law prohibits gender-altering surgery before the age of 18. In addition, many committee members felt that parents seeking assistance from licensed health practitioners and physicians to address the mental health of their child did so in an effort to act in the best interest of their child, and not with criminal intent. Committee members also felt the premise of this bill, if appropriate, should be addressed within a different RSA and not within the definition of "child abuse." As a result of all of this taken together, the committee did not believe the definition of child abuse should be changed to include the content of this bill. **Vote 16-0.**

**HB 438-FN**, relative to the right of representation in family court. **INEXPEDIENT TO LEGISLATE.**

Rep. Heather Raymond for Children and Family Law. While the committee appreciated the intent of this bill and the testimony of its supporters, members had significant concerns about the impact of the bill on cases where there could be domestic violence or child abuse. Further, the language of the bill restricts judicial discretion when it comes to who is allowed to be in the courtroom during hearings concerning private family matters. The committee was not convinced this would be in the best interests of NH children and families. **Vote 16-0.**

**HB 583-FN**, relative to the termination of child support. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lorie Ball for Children and Family Law. As the law stands now, child support for a non-disabled child can go on indefinitely if the child does not graduate high school. This amendment closes that loophole and sets a maximum child support age at 19 plus two months provided the non-disabled child is enrolled in an elementary or secondary school. This termination of child support stipulation aligns with the US Social Security Survivors Benefits wording with regard to when government support for non-disabled children terminates. In addition, this amendment extends child support for children with disabilities to the age of 22 provided they are enrolled in a program approved by the state. This change aligns with the NH education law that extends special education services through the age of 22 years old for children with disabilities **Vote 15-0.**

**HR 14**, a resolution to urge the investigation of due process in family court cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Long for Children and Family Law. The committee continues hearing testimony on irregularities specific to the family division of Circuit Court. This resolution would benefit the Children and Family Law Committee and NH families in determining appropriate and informed movement forward. **Vote 16-0.**

### COMMERCE AND CONSUMER AFFAIRS

**HB 42-FN**, relative to the operation of certain homeowners' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill, as amended, requires that no homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a prior to a hearing under RSA 676:2 before that same planning board or land use body **Vote 19-0.**

**HB 210**, relative to fire insurance contracts. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the NH Insurance Department. It revises certain requirements for combined insurance coverage against fire and other perils by removing the redundant sentence "either on an unspecified basis as to the coverage or for a single premium." **Vote 19-0.**

**HB 248**, relative to revenue from commemorative bottles of liquor. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill removes the requirement that revenue from commemorative bottles of liquor be used for certain projects. For years the NH Liquor Commission has been permitted to enter into contracts for the manufacture and purchase of commemorative bottles of historic significance and pamphlets describing their historical significance. Under the current law, the proceeds are to be exclusively used for the preservation of the State House hall of flags and the battle flags displayed there. The bill will create a historical fund with the oversight of the joint legislative historical committee. There are no preservation projects at this time, but the fund will be available in the future. **Vote 19-0.**

**HB 249**, establishing regulatory standards for the pet insurance industry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill establishes regulatory standards for the pet insurance industry. It is a bill that was at the request of the NH Insurance Department to protect consumers. The non-germane amendment was previously in the statute but evidently was accidentally replaced by the passage of a prior bill to allow patrons to bring their dogs to patio areas at a restaurant. The amendment allows owners of a restaurant to keep their own dog on the premises albeit out of the eating and food preparation area, with the stipulation that the dog be removed if a service dog comes into the establishment. **Vote 18-1.**

**HB 280-FN**, relative to the sale of freeze-dried food. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill would exclude freeze-dried fruits and vegetables from the definition of potentially hazardous food. The Commerce and Consumer Affairs Committee unanimously agreed that this bill, as law, would generate significant logistical and administrative problems for the small home-based businesses who might attempt to utilize this technology. Therefore, it is recommended Inexpedient To Legislate. **Vote 16-2.**

**HB 304-FN**, relative to advanced driver assistance system disclosures by auto glass repair or replacement facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The main advanced driver assistance component affected by auto glass replacement is the camera located in the rearview mirror windshield mount. In addition to windshield replacement, investigation indicated that the camera could become misaligned if the suspension system or wheel alignment is changed, if an airbag deploys, if various collision repairs are performed, or if tire or ride height changes. If the bill were to be modified to be more comprehensive and cover all cases where the camera can become misaligned, it begins to take on the responsibility of the car manufacturer or dealer. A check of several owner's manuals for late model cars indicates the windshield should only be replaced at a qualified facility. It was brought out in the hearing that insurance companies often only cover the replacement if the car is brought to an approved facility. And it is possible that with some modification, alignment may become automatic or not even be required in the future. The only presenters at the hearing for this bill were several independent auto glass replacement companies that have tools to perform the alignment. **Vote 18-1.**

**HB 389**, relative to consumer protection relating to hospital price transparency. **INEXPEDIENT TO LEGISLATE.**

Rep. Shaun Filiault for Commerce and Consumer Affairs. This bill would prohibit a hospital from pursuing a collection action for services rendered to a consumer if the hospital was not in material compliance with certain federal price transparency requirements that were included in the Patient Protection and Affordable Care Act of 2010. Although well-intentioned, this bill could pose problems in practice. Some health procedures are exceptionally rare, rendering cost estimates impossible. Further, testimony provided to the committee made evident that healthcare is rarely "one-size-fits-all" and estimated prices listed on facilities' websites are, at best, a very rough cost guide. A consumer's specific case may require products and services which cannot be anticipated by looking at a broad cost guide. This bill would render facilities responsible for not anticipating, in advance, on a generic public website, the precise products and services required by a consumer's specific health needs. **Vote 18-1.**

**HB 407**, relative to regulations on alcohol. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the NH Liquor Commission. It makes various changes to the statutes relative to the regulation of alcohol. The amendment covers the Felon Exception, Hearings Investigations, Direct to Consumer Shipments to NH Residents, and finally four repeals: 1) RSA 179:53, II, relative to prohibiting a licensee from altering premises to provide for both on sale and off sale on the same premises; 2) RSA 179:57, I(d), relative to prohibiting any person convicted of a felony from being designated as being in charge of the premises; 3) RSA 178:20, V, relative to the sale of alcohol in the town of Errol; and 4) RSA 178:21, II(a)(4), relative to the sale of alcohol in the towns of Newington, New Hampton, and Landaff. **Vote 19-0.**

**HB 426**, relative to the regulation of pharmacists-in-charge and pharmacies. **OUGHT TO PASS.**

Rep. Karen Calabro for Commerce and Consumer Affairs. This bill is relative to the regulation of pharmacists-in-charge and pharmacies. This updates the licensing of a pharmacy as to who is the pharmacist-in-charge. At the time of the original writing of the law, pharmacists owned their own pharmacy. Today, most pharmacies are corporate-owned and the pharmacist-in-charge is just an employee. This bill changes the "permittee" to "permit holder" which can be a non-person. The committee felt unanimously that these changes were prudent and clarified to whom responsibility for licensing should be bestowed. **Vote 19-0.**

**HB 479**, relative to administrative hearings, automation of electronic notices to insurance licensees, and insurance producer activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. The bill is a request of the NH Insurance Department. It clarifies the department's administrative hearing procedures, establishes certain notice requirements re-

garding insurer assessments, and revises grounds for license revocation or denial. The amendment changes the Administration Fund assessment to be prima facie evidence that the notice has been provided when the notice has been emailed to the insurer's email address on file. **Vote 19-0.**

**HB 520**, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill, as amended, fulfills a request from the NH Banking Department to align the interest rate credited to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers with the rates credited to escrow accounts held by depository banks. The bill would remove the Banking Commissioner's responsibility for setting interest rates on these escrow accounts and tie the minimum rate to the National Deposit Rate for Savings Accounts, as regularly published by the FDIC. The committee amendment also removes any interest caps or minimums. **Vote 19-0.**

**HB 522-FN**, relative to money transmitters. **OUGHT TO PASS.**

Rep. Brian Cole for Commerce and Consumer Affairs. This bill adds exemptions from the Model Money Transmission Modernization Act to New Hampshire's money transmitter law. This bill follows model legislation for all 50 states which allows certain businesses to be exempt from this law. New Hampshire already has a money transmitter law and this bill simply clarifies who is exempt. **Vote 18-0.**

**HB 595-FN**, relative to the oversight of the public deposit investment pool. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris McAleer for Commerce and Consumer Affairs. The committee recommends Ought to Pass on this bill to put the oversight of the Public Deposit Investment Pool under the jurisdiction of the State Treasury as opposed to the Banking Department where it currently exists. These funds consist of state funds as well as custodial funds held by other agencies and jurisdictions within the state. These funds will be managed by a private investment advisor as approved by the State Treasurer and an underlying Advisory Committee. **Vote 19-0.**

**HB 613-FN**, relative to regulation of the individual health insurance market under RSA 404-G. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the NH Insurance Department. It makes various changes to RSA 404-G, relative to the individual health insurance market. The changes represent the current products and providers of health insurance in the state for the individual (non-group) health market. **Vote 19-0.**

**HB 648-FN**, relative to establishing a state bank of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Commerce and Consumer Affairs. Over the past decade, multiple bills proposing the establishment of a state bank in New Hampshire have ultimately been rejected by the Commerce and Consumer Affairs Committee due to concerns about the feasibility and effectiveness of such a bank. The unique circumstances in North Dakota that led to the success of their state bank do not apply to New Hampshire. Private sector banks and existing development funding organizations already serve our state's banking needs well. The main concerns with this legislation are: 1) how such a bank would be capitalized; 2) how it would survive the long path to profitability; 3) how much taxpayers would be on the hook if it failed; and 4) potential conflicts with other agencies and institutions. For all of these reasons, the majority of the committee recommends this bill be found Inexpedient to Legislate. **Vote 18-1.**

## **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 107-FN**, relative to employment restrictions for registered sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis Mannion for Criminal Justice and Public Safety. This bill would close a loophole in current law. The bill expands on employment restrictions and would prohibit registered sex offenders from employing, managing, supervising, or working in a one-on-one capacity with a minor. **Vote 20-0.**

**HB 287**, removing testing equipment from the definition of drug paraphernalia in the controlled drug act. **OUGHT TO PASS.**

Rep. Karen Reid for Criminal Justice and Public Safety. This bill amends the definition of drug paraphernalia in the controlled drug act and repeals testing equipment from the definition of drug paraphernalia. The aim of this bill is to provide persons suffering from substance misuse disorder a harm reduction tool that may decrease the chance of a drug overdose. This bill exempts Fentanyl test strips from the definition of drug paraphernalia from the controlled drug act. **Vote 20-0.**

**HB 305**, relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Tenczar for Criminal Justice and Public Safety. This bill would have amended RSA 159-E:2. It sought to strike “violation of” and replace it with “class A felony as defined in.” A subcommittee work session was held with five members of the committee. The committee wished to give the prime sponsor additional time to further explain the bill as prior testimony was confusing. The sponsor noted that the current language in RSA 159-E:2 was too broad and would allow federal law enforcement officers the ability to enforce presidential executive orders governing the keeping or bearing of arms when any violation of New Hampshire law occurred. By restricting it to class A felonies only, it would prevent overreach by the federal government. While the committee agreed that the bill was filed with good intention and would reduce federal intrusion on a citizen’s second amendment right, it was determined that the bill was being presented too soon. The prior bill, HB 1178 (2022), which was signed into law in 2022 by Governor Sununu, was a large undertaking that was heard through several channels and ultimately contains the present agreed upon language. **Vote 20-0.**

**HB 315**, prohibiting provocations based on a victim’s actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. After hearing testimony during the public hearing, the committee found that this bill should be ought to pass with amendment. The amendment, as in the original bill, makes it unlawful to use “panic” over a person’s sexual orientation or gender as a defense to murder, but adds religion, race, national origin, or political affiliation as additional grounds that cannot be used as an objectively reasonable cause of extreme provocation in such a case. The majority found that while eliminating the so called “gay panic defense” is a laudable effort, it unintentionally left out other things that could be cited as having caused extreme provocation and that while a sponsor of a bill may focus on a certain group that are important to them, as a committee it is our job to ensure that all of the citizens of New Hampshire are protected equally. **Vote 20-0.**

**HB 400-FN**, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. After hearing testimony during the public hearing, the committee found that this bill should be ought to pass with amendment. It was discovered during the hearing the New Hampshire is the only state in the country that does not have a specific crime related to assault and battery on a police officer. The law enforcement in this country, now more than ever, are being held to a higher standard than any other public employee and are under a constant microscope. They are expected to carry out their duties in a professional and nonbiased manner, balancing the fear for their own safety against the rights of our citizens to be safe from unlawful use of force. There is zero tolerance for any violations from this standard. As such, we have a duty to offer them as much protection from harm as we demand that they not harm others. The committee agreed that an assault on the police is not just an assault on the individual officer but on our entire legal system. The police represent the rule of law and a person willing to assault an armed officer is likely willing to assault anyone and as such should be charged accordingly. Furthermore, the amendment includes all EMS workers in this new charge. An assault on a firefighter, ambulance crew member, or a police officer in the course of their duties is much more serious than a simple assault, as may be charged in a bar fight. We already recognize that not all assaults are the same, as we do in our domestic violence and child safety laws. Our emergency services personnel have a duty to protect and serve in a safe and unbiased manner and we have a duty to protect them as well. **Vote 19-0.**

**HB 503-FN**, relative to the rights afforded to a person accused of a crime. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Proulx for Criminal Justice and Public Safety. After a public hearing, the committee recommends this bill as inexpedient to legislate. The committee heard testimony from the court that this bill would be unworkable without a significant increase in staffing which the bill does not provide for. Furthermore, the provisions of the bill with regard to so called “speedy trials” have already been addressed by both the United States and New Hampshire Supreme Courts. The inner workings of the court system are managed by the New Hampshire Supreme Court. They are the subject matter experts with regards to the constitutional obligations of the courts, prosecutors and defense counsel. As such they operate a delicate balancing act, taking into account the resources of the court, the various district attorneys and, perhaps most relevant to this proposed bill, the public defenders. Reallocating resources due to legislative obligation causes them to pull them from somewhere else. We also heard testimony that there simply are not enough attorneys to impose the deadlines this bill proposes and that often delays in proceedings are at the request of the defense. Any bill attempting to dictate the inner workings of the court must be done very carefully with appropriate study and conversations with the involved stakeholders. They must also fund what they are demanding. None of these things occurred with this bill. No one from the court, attorney general’s office, or the New Hampshire Defense bar was consulted for this bill and the only one testifying in support of it was the sponsor. **Vote 20-0.**

## EDUCATION

**HB 349**, relative to a special purpose school district for Bridgewater, Hebron, and Groton. **OUGHT TO PASS.** Rep. Rick Ladd for Education. In 1997, the New Hampshire General Court passed HB 436 that allowed the establishment of a special village district for the towns of Hebron and Bridgewater to construct, own, and maintain a public school facility with three elected commissioners to oversee the school facility and grounds. The village district then constructed and continues to own, debt free, the Bridgewater-Hebron Village school building, surrounding athletic fields and furnishings. It leases the school to the Newfound Area School District for \$1.00 per year. Teachers, staff, and curriculum management are provided by the Newfound Area School District. This bill is designed to expand Bridgewater's and Hebron's legal status as a village district, and explore, over a 4-year period, the establishment of a three-town special purpose school district. This is a very unique situation as Bridgewater and Hebron is the only village district that owns its own school, but is not a school district. The goal of this bill is to reconfigure and structure the village district as a K-8 school district. Currently, the village school's education performance is outstanding and ranked among the top K-5 schools in the state. The current student count of Bridgewater, Hebron, and Groton accounts for about 15% of the Newfound Area School District student body and the corresponding budget contribution is roughly 16%. It is estimated that the reduction in middle school expenses coupled with SAU 4 gains in tuition and administrative revenue by the special village district also becoming a school district would result in little to no fiscal impact to SAU 4. It should also be noted that Bridgewater, Hebron, and Groton are located on the extreme northwest corner of the Newfound Area School District. This results in students having to ride on a school bus 2.5 hours per day, an excessively long daily bus journey. This bill will rectify that situation. The firm of Wadleigh, Starr, and Peters (Manchester Attorneys of Law) have stated that this bill applies to a local situation where a separate municipality owns the building in which the children are educated; it is not capable of repetition elsewhere in the state and represents a truly unique set of facts. Lastly, in a letter received by the Education Committee from Virginia Berry (former Commissioner of NH Department of Education, 2009-2017) states that she strongly supports the establishment of a special-purpose school district as proposed by the towns of Bridgewater, Hebron, and Groton. **Vote 18-2.**

**HB 446**, relative to participation in the education freedom accounts program by students with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill requires the scholarship organization administering the Education Freedom Accounts program to provide parents of students with disabilities an explanation of their rights under state and federal law for services specific to the education option in the program. The Department of Education Bureau of Special Education is to develop and maintain the explanation. **Vote 19-1.**

**HB 452**, relative to the department of education procedures for school building aid applications. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, revises the timelines and procedures for the Department of Education to review and approve applications for school building aid grants. The bill creates an annual application process. Current building aid process occurs every other year. The bill ranks projects after the state building aid appropriation is known. The current building aid process publishes a ranked list in January. The bill further allows for a more efficient construction schedule. The current building aid process approves projects in July/August, missing a key construction season (summer). **Vote 20-0.**

**HB 530-LOCAL**, relative to withdrawal from a cooperative school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill unravels governance issues associated with the cooperative school district withdrawal process. Throughout the past 60 years, most NH towns have undergone significant change in regard to the number of school-age students enrolled in local schools and property valuation. Approximately one out of every three cooperative districts are experiencing significant representation and funding issues based upon communities no longer reflecting their past economic and population demographics as reflected in articles of agreement. The following example of the Town of Carroll's membership in the White Mountain Regional School District (WMRSD), a cooperative, best explains the issue. "In 1963, residents of Carroll, Dalton, Jefferson, Lancaster and Whitefield voted to form a consolidated district with funding apportionment based on 60% Average Daily Membership (student enrollment) and 40% built upon equalized property valuation for each town. Nearly 60 years later, the apportionment formula remains unchanged. Carroll students account for 4.62% (59 students) of the WMRSD student population. Yet, Carroll pays a per pupil tuition rate of \$46,035.00. The Dalton, Jefferson, Lancaster, and Whitefield districts pay \$9,190.00, \$14,762, \$5,715, and \$9,706, respectively." In 2004 and 2021, Carroll has requested a review of the 1963 apportionment formula and the district's articles of agreement that remain in place. During the district's annual 2022 March meeting, 70.6% of Carroll voters, voted to withdraw from the WMRSD, but 80.9% of the remaining districts voted not to allow Carroll to withdraw from the district. The decision to allow a single district's withdrawal requires a majority vote of the whole. Many who support and who have testified at House Education Committee public

hearings, echo Carroll's unhappiness in being bound to articles of agreement that are now unfair and burdensome. Accordingly, the State Board of Education on this matter, recommended: "(1) that the withdrawal process put in place by Carroll be terminated, and (2) that the districts that form the WMRSD continue to engage in constructive dialogue to boast a Cooperative School District where five, not four districts participate of their own volition." This bill provides a fair solution; if a 3/5 supermajority of the voters present and voting in the preexisting district vote in the affirmative, in favor of the withdrawal, and subsequently a 3/5 supermajority of the voters present in the entire cooperative district vote to agree, the withdrawal process will move forward. If a district does withdraw from a cooperative, this bill also requires a plan to provide for the disposition of property held with the cooperative to include a statement of assumption of liabilities. The age-old withdrawal issue resultant from articles of agreement established 60 years ago needs to be unraveled. This bill will accomplish that end in a fair and equitable manner. **Vote 20-0.**

**HB 550-FN**, relative to chartered public school dissolution. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. Amending language replaces the entire bill. The bill, as amended, establishes a committee to study the chartered public school dissolution process if the closure of a chartered public school is required in order to ensure an orderly school closure that supports students, avoids insolvency, and reduces liability to the school and state. Chartered school assets may consist not only of assets received from the state, but also assets that may have been received from private, charitable resources. In general, when a charitable organization dissolves, its unrestricted charitable assets must be distributed in accordance with the dissolution clause in the organization's articles of agreement. This situation must be considered if a chartered school is faced with closure. Among other concerns, the committee is further tasked to study and present recommendations regarding matters of financial liability to the state, school districts, employees, boards, and parents as well as other non-financial issues related to the placement of student records and retention of student records. **Vote 18-2.**

**HB 640**, relative to cost recovery for vocational rehabilitation programs. **OUGHT TO PASS.**

Rep. Katy Peternel for Education. This bill repeals the state's right to recover the cost of vocational rehabilitation service from an individual who receives third-party settlement or benefit award. According to the Department of Labor, issues related to workers' compensation claims have changed drastically over the years. The Department of Labor in NH has a small division of vocational rehabilitation counselors that work on workers' compensation cases. For reference, the administration rule can be found in RSA 281-A:23 for this program. Due to internal work that happens with the NH Department of Labor, this statutory language for the state vocational rehabilitation program is no longer needed, hence the request to repeal this section. **Vote 17-2.**

**HB 649-FN**, repealing the collection of the state education property tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill repeals the Statewide Education Property Tax (SWEPT) and transfers that funding of adequate education costs to the general funds. This bill further removes the low and moderate income homeowners property tax relief program for relief from the SWEPT. Numerous comprehensive school funding reports have been completed since 2008: Joint Legislative Oversight Committee on the Costing for an Adequate Education (2008), Committee to Study Education Funding and the Cost of an Opportunity for an Adequate Education (2018) and most recently, the Commission to Study School Funding (2020). None of these studies recommended the repeal of the SWEPT. Any decision to repeal this section of law would absolutely require a comprehensive policy and financial impact study with recommendations and findings. **Vote 20-0.**

## ELECTION LAW

**HB 179**, relative to the definition of electioneering. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill attempts to alter the definition of electioneering by changing what is permissible to wear in the polling place. Last term the House passed a bill that created an exemption that would allow a person to wear whatever they pleased so long as they were in the process of voting and conducted no other activity within the polling location while wearing the otherwise prohibited clothing. This bill would weaken that and could be interpreted as allowing poll workers and observers to wear political clothing and other wearables inside the polling location. The committee did not approve of that. **Vote 20-0.**

**HB 195**, relative to the definition of political advocacy organization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane for Election Law. This bill changes the current law to require independent political organizations that spend \$2,500 or more in a calendar year for communication that advocates for or against a candidate, or a measure, to register as a political advocacy organization. The purpose of the bill is to make clear who is paying for the mailings, social media, or other communication that is often dumped on voters shortly before an election. Current NH law requires that independent political organizations involved in NH elections, but not associated with a candidate, must register with and report their activities to the Secretary of State. The committee heard testimony that some organizations have avoided registration by claiming that



their materials were related to political “issues” rather than to “candidates” – even where a candidate is named in the communication. This bill closes that distinction. The amendment deleted a requirement that the communication must be made within 60 days of the election to qualify for disclosure and revised language concerning the characterization of the communication. The majority believe that it is important for NH voters to know from where the political advocacy in their state is coming and support this effort to bring more transparency to the election process. Passing this bill will strengthen the integrity of political debate in NH and ensure accountability within the election process. This bill does not limit free speech, it only discloses who is speaking. **Vote 19-0.**

**HB 244**, relative to the printing of the election day checklist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Wherry for Election Law. This bill changes the latest time that an absentee ballot may be requested to be mailed as 12:00 noon on the day before an election. The amendment removed certain requirements the original bill had proposed regarding printing of the checklists and clarifies that absentee ballots may be requested in-person up to 5:00 pm on the day before an election. **Vote 19-0.**

**HB 402-FN**, relative to prohibiting false statements against candidates. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Kennedy for Election Law. Although the committee agreed with the sentiment that making false statements regarding a political opponent or their positions is reprehensible, there are strong First Amendment protections for political speech. For example, the Supreme Court has long considered political and ideological speech to be at the core of the First Amendment, including speech concerning “politics, nationalism, religion, or other matters of opinion.” (*W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 1943). One can sue for defamation under current laws, but generally, speech that touches on matters of public concern is highly protected, especially where restricting such speech could have a chilling effect on future speech. Campaign speech is considered the epitome of speech regarding matters of public concern because it is the core of our political democracy. There are exceptions. For example, if a person makes a statement with actual malice (i.e., the statement is made with knowing or reckless disregard for the truth of the matter) then that statement may fall outside the protections of the First Amendment. The bill states ‘false statements issued on the homepage of a candidate, political committee, or political party’s website is evidence of their position on an issue and prima facie evidence of reckless disregard of the truth,’ but this may not automatically constitute ‘reckless disregard.’ In addition, the penalties prescribed in the bill seemed vague, and could be extremely punitive. That is, “a violation of this section shall include damages of \$1 for each impression or for each recipient of a newspaper, radio, television, Internet, or similar media, or, \$500 for each physical political sign belonging to a candidate, political committee, or political party.” **Vote 19-0.**

**HB 478**, relative to ballot order in the general election. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill attempts to change the ballot order for state representatives in multi-seat districts based on their performance in the primary. The bill does not properly address those who file by petition. **Vote 19-0.**

**HB 496**, relative to the delivery of ballots to nursing homes and elder care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Clayton Wood for Election Law. This bill requires the clerk or assistant to deliver the absentee ballots to residents in nursing homes or elder care facilities accompanied by two absentee ballot observers, one from each party, after being appointed by the town. The committee believes this process is too complicated to deliver ballots and working with the residents is not outlined in the bill. This additional work may burden the local clerk’s office which is already busy with the election process. **Vote 17-2.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 84**, relative to the emergency management powers of the department of transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Abare for Executive Departments and Administration. The committee heard testimony that there are already resources in place for towns to gain support from other communities and from the state through their emergency management programs, as well as mutual aid programs that exist for every town. Adding more emergency powers on top of resources are not efficient or effective at this time. **Vote 20-0.**

**HB 457-FN**, relative to state treasury pension and insurance fund management. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. This bill codifies the fiduciary responsibility of the Treasurer of NH in statute. It further requires the Treasurer and the NH Retirement System to make quarterly investment reports to the Legislative Budget Assistant for legislative oversight and accountability. The committee determined that this codification and increased transparency were common sense moves that will benefit the people of New Hampshire. **Vote 20-0.**

## FINANCE

**HB 129-FN-LOCAL**, relative to menstrual hygiene products in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill modifies existing law by removing the specification of female hygiene products be available in girl's bathrooms to be available, leaving availability up to the school board. "Girls" is modified to menstruating students, to avoid future legal issues. The bill was determined not to be a 28a violation since the state sends over \$1 billion to school districts. Grade levels are dropped to un-restrict age of availability. **Vote 22-3.**

**HB 207-FN**, relative to school district unanticipated funds. **OUGHT TO PASS.**

Rep. Tracy Emerick for Finance. For many years, a school board would have to hold a public hearing, if an item in the budget, either through an unexpected grant, or some cancellation, made some money available, where a decision to repurpose it had to be made. The amount of \$5,000 was the trigger requiring holding a public hearing. In the 20 plus years since the \$5,000 trigger was set, the amount seems trivial. The bill increases the trigger to \$20,000, which seems more appropriate in these times. **Vote 25-0.**

**HB 555-FN-A**, appropriating state general fund surplus toward the retirement system unfunded accrued liability. **OUGHT TO PASS.**

Rep. Dan McGuire for Finance. When money is left over in the general fund at the end of a biennium it is automatically added to the Revenue Stabilization Reserve Account, better known as the rainy day fund. This bill redirects 75% of this money to help pay off our retirement system's unfunded liability whenever the rainy day fund already has a good cushion. Although we are not yet at that point, the state's strong economy could get us there before long. Reducing retirement debt is a smart thing to do because otherwise it effectively grows at 6.75%. **Vote 25-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**CACR 8**, relating to a constitutional right to birth control. Providing that the constitution protects the right to access birth control. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Mazur for Health, Human Services and Elderly Affairs. This bill was deemed unnecessary as no one is currently being denied birth control, therefore no problem exists. Only the bill sponsor and co-sponsor testified to it, so it didn't appear to have much support. It would also require a constitutional amendment, which the committee is not in favor of and, again, finds unnecessary. **Vote 20-0.**

**HB 136**, relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee believes that the advisory council for the controlled drug prescription health and safety program established under RSA 126-A:96 should have the opportunity for a roll call vote on the final rules proposed by the Department of Health and Human Services (DHHS) and to work collaboratively with the department in the development of these rules. This bill as amended achieves this goal and has the support of DHHS. **Vote 20-0.**

**HB 215**, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants. **OUGHT TO PASS.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. It is the unanimous belief of the committee based on review of testimony and a review of current statute that there is a substantial labor shortage in our health care facilities which creates a problem with access to care for those in need of these services. Improving the efficiency of the provision of certain services within these facilities such as medication dispensing by licensed nursing assistants authorized to administer medication pursuant to RSA 326-B:14, II-a, with reimbursement for this service, can free up nurses and others to provide other needed services and improve both care within the facility and access to admission to these facilities. It is the unanimous belief of the committee that this bill is needed legislation that provides a strong and positive step towards achieving these efficiencies. **Vote 20-0.**

**HB 217**, establishing a committee to study the effects of fluoride on fetuses and children. **OUGHT TO PASS.**

Rep. Frances Nutter-Upham for Health, Human Services and Elderly Affairs. This bill would establish a committee to study the research on how fluoride in town water systems effects pregnant women and children. The committee shall study the effects of fluoride exposure, including neurotoxicity and other potential side-effects on fetuses, children and adolescents and will make appropriate recommendations. **Vote 19-1.**

**HB 277**, relative to patients' right to sterilization treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee agreed that adult women should not be denied sterilization on the grounds that the doctor knew better than the woman that she would

want children in the future. This is all too common and a problem that must be addressed, however the members of the committee opposed this bill for various reasons. Some objected to mandating insurance coverage of a procedure in the patient's bill of rights. Others objected to adding individual procedures to the intentionally broad patient's bill of rights. Others were concerned that a surgeon's right of conscience could be put at risk, and that language to address this shortcoming would make the bill useless. Due to these numerous concerns, the committee would welcome a new approach to this pressing concern. **Vote 20-0.**

**HB 323**, relative to establishing a committee on emerging medical technologies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee believes that it would be beneficial to create a committee to address the concerns surrounding emerging medical technology including increasing access to clinical trials, removing barriers to access, staying informed about biomarkers, reviewing safety and the appropriate state response with the board of medicine and other stakeholders, and removing barriers to increased emerging medical technology companies to establish a presence in New Hampshire. This bill builds upon an effort by the late Rep. Katherine Rogers to increase access to therapies guided by biomarkers and honors her legacy. **Vote 20-0.**

**HB 408**, relative to foster children and vaccinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. The current administrative rule asserts that under certain conditions, household members in a foster home (except the foster children themselves) must receive the entire schedule of vaccines recommended by the Advisory Committee on Immunization Practices (ACIP), and that they may only be exempted for medical reasons. Under this legislation, household members would not be subjected to different immunization requirements than other people living in New Hampshire, and would have the same exemptions available to them as any other person in the state, including the religious exemption. **Vote 20-0.**

**HB 425-FN**, repealing the statute relative to medical freedom in immunizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill would repeal RSA 141-c:1-a, which provides that "Every person has the natural, essential, and inherent right to bodily integrity, free from any threat or compulsion by government to accept an immunization. Accordingly, no person may be compelled to receive an immunization for COVID-19 in order to secure, receive, or access any public facility, any public benefit, or any public service from the state of New Hampshire, or any political subdivision thereof." The law currently provides protection from over-reaching mandates by government on its people and the majority of the committee believes this law has served the state well with no negative consequences and should remain in effect. **Vote 18-2.**

**HB 431**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill as amended provides a framework for therapeutic cannabis patients or their caregivers to grow cannabis with restrictions. This bill addresses two major problems for this community – access and price. The closest Alternative Treatment Center (ATC) may be far away and the cost of this product is high. Most therapeutic cannabis patients will continue to purchase their product from ATCs and those who choose to grow their own will be able to purchase seedlings from the ATC or grow from seeds according to their preference. This bill has broad support from stakeholders including patient representatives, ATCs and the department. **Vote 19-1.**

**HB 454**, relative to the membership and reporting responsibilities of the examining board of medicine. **OUGHT TO PASS.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill will require two of the three public members of the Board of Medicine to not have professional or financial ties to medicine and requires one of the public members to be designated as the public transparency advocate. The public transparency advocate shall be a person who, through background or training and without conflicts of interest, is capable of exercising systems analysis and providing recommendations to improve public transparency of board responsibilities. This bill is one of several efforts to address recent concerns over lack of transparency regarding medical errors. **Vote 20-0.**

**HB 642-FN**, relative to prohibiting the department of health and human services from enforcing salary caps for direct care workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Yury Polozov for Health, Human Services and Elderly Affairs. Persons with developmental disabilities receiving services from the Department of Health and Human Services (DHHS) receive an individualized budget for the services they need. Currently, there are two problems facing persons receiving services. First, the budgets do not get adjusted for inflation so someone who has been in the program for more than 24 months may need to have their budgets adjusted upwards to maintain the same level of service. Second, because of

the shortage of workers, only about 60% of the budgeted positions are currently filled. The remainder of the budgeted and available funds are not being expended. As amended, this bill will allow DHHS the flexibility to reallocate the existing, unused budget allocations to either raise salaries for existing workers or to offer a higher wage to new hires, with a goal of retaining workers and filling some more of the empty positions. The adjustments are intended to be available, based on need, to both new service recipients and those with budgets over 24 months old. Finally, this provision will be repealed on July 1, 2027, by which time the proposed new delivery system should be in place and needed adjustments can be included in the budget process. **Vote 20-0.**

## JUDICIARY

**HB 346-FN**, relative to the right of any infant born alive to appropriate medical care and treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Katelyn Kuttub for Judiciary. This bill establishes the Born Alive Infant Protection Act. It provides that medical care must be provided to any infant born alive. The committee heard testimony that if this bill were enacted, it would compel obstetricians and neonatologists to ignore their best medical judgment and administer futile, potentially painful, treatments against the wishes of the parents under the threat of a Class A felony. Infants born with fatal conditions or conditions incompatible with life, who have only a few moments, hours, or days would be taken out of the arms of their parents, hooked up to machines, and their parents would be denied the right to say how the last moments of their child's life will be spent. The majority of the committee strongly believes that physicians and parents should determine the appropriate medical care for their child. Physicians already have an obligation to provide appropriate medical care in order to maintain their medical license, and they willingly honor that obligation. Moreover, unlike in the situation of a fetus that is aborted before birth, a medical professional who deliberately causes the death of a viable child after its birth is already subject to the penalties provided by existing law for homicide. The majority concluded that passage of this bill is not in the best interests of the citizens of NH. **Vote 18-1.**

## LEGISLATIVE ADMINISTRATION

**CACR 3**, relating to recall elections. Providing that the general court may authorize recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Hobson for Legislative Administration. The majority of the committee recognized that this is at least the 14th separate legislative measure related to recall elections and that New Hampshire has one of the most responsive election processes in the United States. By and large, our elections are every two years. The majority felt even when the outcome is clearly beneficial, the suggestion of changing our constitution is never to be undertaken lightly. In this case, the outcome benefit was not so clear and it was the sheer volume of unanswerable questions such as—who would pay for the recall election? which officers or positions would it apply to? how long would it take?—that likely swayed the committee to recommend Inexpedient to Legislate. **Vote 14-1.**

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 141**, relative to dogs on hiking trails in state parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill would allow dogs off-leash in state parks, on hiking trails where motor vehicles are prohibited, if the dogs are under the physical and verbal control of their owner. The committee heard testimony that the Division of Parks and Recreation already allows dogs off-leash and under the control of their handler under certain administrative rules. The ability of the division to tailor administrative rules based on the park's visitors, features, needs for development, and natural resource management is critical to the consideration of all aspects of managing NH's state parks. The committee found the present rules appropriate. **Vote 20-0.**

**HB 174**, relative to the filing of notice of intent to cut timber. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Juliet Harvey-Bolia for Resources, Recreation and Development. This bill adds clarity to two parts of the timber harvest intent-to-cut/timber tax notification process. First, it sets the time a municipality has to provide a copy of the intent-to-cut form to the NH Department of Revenue Association (DRA) to 5 days (current laws states "immediately"). Second, this bill resolves the problem of towns failing to sign the intent-to-cut form within the 15-day statutory review period. Current law is silent on what happens after 15 days if the form is not signed. This bill will allow the timber harvest to begin without a signed intent-to-cut form after the 15-day review period, provided the intent-to-cut form is accurate and they do not owe back taxes. This adds scheduling surety for the landowner and their land managers (forester, logger) as they plan their forest management project. If the landowner missed something when filing their intent-to-cut form, the town still has the right to order the timber harvest stopped until the intent-to-cut form is corrected. This bill is a non-punitive way to address a problem while adding clarity to the intent-to-cut process. The amendment adds one more step before a timber harvest can begin: the timber-cutter must provide the DRA a copy of the filed intent to cut form as well as the filing date. **Vote 20-0.**

**HB 448**, relative to Lake Winnepesaukee speed limitations. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Ryan for Resources, Recreation and Development. This bill would raise the daytime speed limit from 45 miles per hour to 65 miles per hour on Lake Winnepesaukee in a specifically defined area of the lake known on the charts as the Broads, and loosely defined in the bill by some charted navigational references. A similar version failed in a prior session with little support. The committee received over 700 personally written emails in opposition and direct testimony from Marine Patrol, several Coast Guard Captains, and dozens of testimony from lake residents, property owners, summer camps, marinas, Lake associations, and other interested parties on all aspects of this bill. The committee received testimony that the largest and fastest boats at the highest speeds are better suited for open waters of the ocean. No marinas or watercraft merchants spoke or otherwise testified in favor of this legislation. After thorough examination of the safety, recreational, environmental, and individual freedom aspects on both sides, the full committee unanimously felt the current regulations are sufficient and allow respectful, safe, and peaceful enjoyment of the lake by all and protect the users of this important natural resource and the citizens who enjoy the lake. **Vote 18-0.**

## **SCIENCE, TECHNOLOGY AND ENERGY**

**HB 257**, relative to telephone carrier of last resort obligations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Troy Merner for Science, Technology and Energy. This bill allows legacy telephone companies in our state to apply for and receive permission to be relieved of their obligation to provide certain telephone services to customers. The Carrier of Last Resort or "COLR" obligation dates to the 1934 Communications Act when there were only regulated land line companies who had designated monopoly territories. Along with the obligation to serve, the telephone companies received federal universal service funds to support the obligation to provide voice service to everyone, even in rural areas where the cost to do so was very high. A lot has changed since then. The 1996 Telecommunications Act opened the telecommunications market to competition. Telecommunications services are now provided by municipalities, electric cooperatives, cable companies, wireless providers, and providers of Voice over Internet Protocol (VoIP) and satellite. Today there is significant and robust competition in many areas of the state. Furthermore, the federal government has converted previous universal voice support programs to programs that expand broadband. As amended, this bill only allows the obligation to be removed in instances where there are at least two competitors in a market, a wireline provider serving 95% of a municipality and a wireless competitor serving at least 97% of the municipality, or in an area where another company is subsidized by the state to build broadband to an entire municipality. This strikes the appropriate balance of removing an inequitable mandate. **Vote 20-0.**

**HB 556-FN**, relative to the duties of the information technology council. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Cormen for Science, Technology and Energy. This bill directs the Information Technology (IT) Council to consider having state agencies use and support development of free and open-source software (FOSS). The bill also directs the IT Council to advise the Commissioner of the IT Department on the ethics of using artificial intelligence (AI) by state agencies. Although free and open-source software has its advantages over proprietary software, the committee believes that state agencies know their needs the best and should be allowed to select software products without the legislature or IT Council favoring one type. Furthermore, FOSS is often incompatible with existing products, training users in how to use FOSS can incur costs, FOSS software often lacks support, and some FOSS products introduce concerns about security. Regarding AI, we are at an inflection point, as machine learning and deep neural nets have tremendously accelerated the pace of progress in AI. As an example, six months ago ChatGPT was unavailable. Yet today, in mere seconds, it produced a serviceable version of this report. (This report is not the one produced by ChatGPT.) The IT Council meets at six-month intervals, which is not frequently enough to keep up with the dynamic changes occurring in AI. **Vote 20-0.**

## WEDNESDAY, MARCH 22 REGULAR CALENDAR

### CHILDREN AND FAMILY LAW

**HB 10-FN**, establishing the parental bill of rights. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** Many years ago, the phrase, “It takes a village to raise a child” became popular. But it must then be asked “In a village, who is the mayor?” Historically, it has been the child’s parents or legal guardians. This bills seems to affirm that. Recent history in communist countries and in Germany in the 1930s has demonstrated how the state can usurp the ultimate role of the parents in the lives of their children. Those opposing this bill have raised objections but those who voted Ought To Pass believe those are easily addressed. First, it was asserted that parents have only limited rights regarding their children who attend private schools, not just those in public schools. Actually, it depends on the private schools, and if a parent believes his or her rights would be overly restricted in a particular private school, the parent could always choose one where their rights were greater akin to what this bill seeks to do in all schools. Second, the assumption is being made that the child’s secrets a teacher would divulge to parents would always be in what might be called liberal or progressive matters. No so. A parent might want to know from a teacher if the child was evidencing white supremacist clothing, behavior or speech. Third, it was argued that if parents found out from school personnel that their child was using pronouns or clothing or self identification different from how their child presents at home, the parents would beat the child. However, if parents were inclined to beat a child, they likely have done so already and that is a reportable offense. To assume parents would beat a child if a teacher told the parents some information sounds like the script of the 2002 movie “Minority Report” where a police unit apprehends people based on their likelihood to commit a crime. Fourth, if a child’s speech or actions are not told to parents who ask but are observed by other children who then tell their parents, isn’t it likely that one or more of those other parents would speak to the parents of the child whose speech or actions are protected by the school? Such informants might have the best interests of that child at heart? Or, they might inform to ridicule. Wouldn’t the parents want to know from a supportive teacher rather than from a neighbor, good or ill intended? Fifth, we learned that there are currently 21 New Hampshire School Districts that have Transgender/Gender non-conforming policies that openly state that district personnel can or should keep a student’s transgender status hidden from parents. We wish to strengthen families rather than drive a wedge within them. We respectfully ask you to vote Ought To Pass with Amendment.

Rep. Mark Pearson

**Statement in support of Inexpedient to Legislate:** We affirm that parents have an inalienable right to direct the upbringing of their children and that those rights are well rooted in common law; however we believe that this bill is unnecessary since the rights enumerated within already exist in federal and state statutes, in the Department of Education’s directives and in school board policies. Parents already have the right to opt their children out of any aspect of the school experience, object to instructional materials, and review the course of study and the purpose of clubs. If such transparency is not happening in a particular school district, the matter should be resolved on the local level. Furthermore, parents may be inclined to file frivolous lawsuits which school districts will have to defend at the taxpayers’ expense. It should be noted that in most instances, educators are parents too and as such would not be promoting school policies that would deny them their rights as parents. We take objection to the provisions which require teachers to respond to parent inquiries upon request. This is not an inalienable right, as no one has the right to compel someone else to do something against their will. As such, the bill would limit what a trusted adult at school may say for fear of disciplinary action. This is not about “keeping secrets.” The Child Advocate testified that her office sees cases on a daily basis of children who are abused when they have disclosed their gender identity to their families. We question if this bill seeks to account for the lack of open dialogue that some children may have with their parents out of uncertainty or fear of abuse, especially in matters of gender related issues. We acknowledge that more than a list of parental rights, parents have the responsibility to raise their children to be good citizens in a diverse society.

Rep. Peter Petrigno

**HB 548-FN**, relative to the definition of compliance with a legal support order for child support payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Heather Raymond for the **Majority** of Children and Family Law. This bill seems to prevent federal and state agencies from denying passport and driver’s license renewals for individuals whose child support payments are less than \$25 in arrears. Current federal guidelines state that one must be 60 days in arrears and owe at least \$550 before passport and/or driver’s license renewals can be frozen. This bill has a significantly lower threshold than current law and thus will not have any effect on the issue of passport and drivers license renewals. **Vote 9-7.** Rep. Mark Pearson for the **Minority** of Children and Family Law. The bill describes the

unfortunate experience of an individual who was deemed to be in arrears of child support payments. This was because, due to a financial “rounding error,” though he was but one cent short, he was still deemed in arrears. By allowing a grace amount of \$25, such unfortunate events would not happen in the future. The minority thought this was fair.

## COMMERCE AND CONSUMER AFFAIRS

**HB 584**, relative to the Uniform Commercial Code’s article on controllable electronic records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. Article 12 of the Uniform Commercial Code (UCC) is a set of rules about “Controllable Electronic Records” (CERs), like cryptocurrencies, digital assets, or non-fungible tokens, and how they can be legally controlled and transferred. The rules define what it means to have control of an electronic record and who can get the rights to them. The rules also explain how debts can be paid using electronic records and which laws apply to them. These rules are designed to work with new technologies that may be created in the future. A near-complete draft of UCC Article 12 was adopted in 2022 with the passage of HB 1503. HB 584, as amended, would update our statutes to include some of the changes that the Uniform Law Commission has developed since the passage of HB 1503. Having a standardized set of rules around digital assets helps facilitate interstate commerce. **Vote 19-1.** Rep. Christopher Herbert for the **Minority** of Commerce and Consumer Affairs. This amendment is attached to legislation passed during the last session by a 150 to 170 vote. The minority argued then that this movement seeks to create a private substitute for the dollar. Our monetary sovereign status comes from the dollar, a public asset owned by the people. To introduce a private currency threatens the nation’s sovereignty. Congress has monopoly power over the dollar. It has been the case for centuries that whoever controls the money supply controls the nation and its economy. The view of the minority is that very few people have an understanding of what a sovereign currency is. This substitute, this private money (called crypto) has no intrinsic value. It needs to be legitimized in order to buy and sell legitimate assets -- in order to have what is known as “use value.” It will compromise the dollar sovereignty.

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 135-FN**, prohibiting no-knock warrants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. After hearing testimony during public hearing, the majority of the committee agreed the bill as amended should be found Ought to Pass. The amendment limited no knock search warrants, to only cases where there was a demonstrable need to do so for the preservation of human life. The amendment also added a requirement to obtain clearance from the head of whatever law enforcement agency is involved prior to such a warrant being sought, as well as a reporting requirement to the District Attorney or Attorney General after the warrant is served. The amendment adds the ability of the public to obtain a copy of the warrant after it has been executed. The majority believes that barring all no-knock warrants could actually lead to greater loss of life, as there are clearly incidents that involve persons who, if warned, would take the opportunity to harm law enforcement or a person in the home. This is especially true in cases of domestic violence where abusers have shown a propensity for violence against their spouse and have threatened their life if they ever called the police. The bill allows for no knock warrants for the recovery of evidence only when such evidence is related to the preservation of human life. This might include computer files that may show where a missing or trafficked person is located or information about a possible terrorist threat. As with other such warrants, the chief law enforcement officer must first authorize it, and additionally, advanced authorization must be obtained from the District Attorney or Attorney General before such a warrant is applied for. The amended version of this bill is modeled after the current United States Department of Justice policy for no knock warrants for all federal law enforcement agencies. **Vote 19-1.** Rep. Jonah Wheeler for the **Minority** of Criminal Justice and Public Safety. The minority of the committee feels the amendment which was added to the bill leaves the practice of no knock warrants up to the discretion of law enforcement. Leaving the practice open to discretion, would mean that no knock warrants would still occur. The minority feels the practice of no knock warrants has hurt the relationship between law enforcement and the community which they serve. The minority feels, given the harm of the policy, it should be ended entirely and not left to the discretion of the department carrying out the warrant.

**HB 351-FN**, relative to the negligent storage of firearms and relative to firearm safety devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. There are few tragedies greater than the negligent death or injury of a child as a result of a firearm being left unattended. Currently, incidents involving firearms are estimated to be the third-leading cause of injury-related death among American children 17 and under. The Centers for Disease Control and Prevention reports that each day in America,

8 children and teens are injured or killed in shootings involving an improperly stored or misused gun found in the home. Under existing New Hampshire law, a negligent person who leaves an unsecured firearm in a place where a child gains access to it can only be charged with an offense if the child threatens another person with the weapon, uses it to commit a crime, or discharges it recklessly. This bill would strengthen the current policy by broadening the circumstances constituting an offense to also include displaying the weapon to other children or bringing it into a public place, such as a school. The bill would also strengthen the penalty from a violation to a misdemeanor, or in cases where a child discharges the weapon resulting in the injury or death of the child or another person, the penalty may elevate to a class B felony. **Vote 10-9.** Rep. Jonathan Stone for the **Minority** of Criminal Justice and Public Safety. The minority of the committee, after hearing testimony, decided that there was no compelling government interest provided by the sponsor or any other witness, for upgrading the penalty from a violation to a misdemeanor for the negligent storage of firearms. Federal law has required federal firearm licensees to sell every handgun with a secure gun storage or safety device since 2005. This bill seeks to micro-manage decisions by citizens about how they choose to store their firearms and ammunition. New Hampshire is routinely determined to be one of, if not the, safest states in the country. New Hampshire citizens know how to safely store their firearms and be prepared to defend their homes at the same time without the government telling them how to. No one from New Hampshire law enforcement asked for this bill or any change in the current law.

**HB 397**, relative to the prohibition of the possession of hypodermic needles by minors. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. After hearing testimony during the public hearing, the majority recommends this bill as ought to pass. This bill simply allows for a minor to be exempt from criminal prosecution for possessing a prescribed hypodermic syringe or needle when they are acting as an authorized agent, pursuant to RSA 318:42, of an adult and under their direct supervision. Currently, a minor holding a hypodermic syringe or needle with their parent's insulin could be subject to criminal prosecution and they would not be allowed to pick up such a prescription at the pharmacy for their parent. To be clear, this bill only allows for the minor to possess a syringe or needle pursuant to an active prescription from a doctor, whether for themselves or an adult for who they are an authorized agent. An authorized agent is defined as "any person, including but not limited to a family member or caregiver, who has the intent to deliver the prescription drug to the person to whom the prescription drugs are lawfully prescribed." **Vote 14-6.** Rep. Jonathan Stone for the **Minority** of Criminal Justice and Public Safety. After hearing testimony in regards to this bill, no evidence was presented of a single case where a juvenile was prosecuted in New Hampshire for possession of an unused syringe. The proposed language would add the following "The recipient is acting as an authorized agent for another as defined in RSA 318:42, I, or the instrument is obtained through participation in a program authorized under RSA 318-B:43." If a minor is found in possession of a used syringe containing an illegal substance or residue they could be charged for possession of the substance regardless if this legislation is passed. This bill may have good intentions but seems problematic by allowing an excuse for minors to be in possession of syringes on behalf of another. The example of a minor possibly being charged for assisting a parent suffering from a medical emergency is not compelling as a legal defense of competing harms could be raised if even brought to a judicial proceeding.

## EDUCATION

**CACR 7**, relating to use of money raised by taxation for education. Providing that money raised by taxation may be applied for the use of religious educational institutions. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** The Blaine amendment (Part 2 Article 83) in our constitution is a relic of the anti-Catholic and anti-immigrant mood of the nation in the mid-1800s. The public schools taught for a Protestant Bible which the Catholic immigrants objected to. James Blaine tried an amendment to the US Constitution to state that no public funds could be sent to religious schools (aka Catholic schools). It failed by one vote, but many states, including NH, put similar amendments in their state constitutions. There have been a series of US Supreme Court rulings in recent years finding that if states provide funds to private schools, to exclude religious schools would be discriminatory and violate the Establishment Clause. In fact, two cases in the past three years – *Espinosa v. Montana* and *Carson v. Makin (Maine)* found that "a neutral benefit program in which public funds flow to religious organizations through the independent choices of private benefit recipients does not offend the Establishment Clause." Our Blaine amendment is unconstitutional and a symbol of religious bigotry. It is a stain on our constitution and needs to be repealed.

Rep. Glenn Cordelli

**Statement in support of Inexpedient to Legislate:** Since its inception, the State of New Hampshire has been opposed to public tax dollars being devoted to a particular sect or denomination. The 1784 constitution confirmed this commitment. Allowing the use of revenue raised by taxation for the purposes of religious education would stand in stark contrast to 239 years of NH tradition. Our legislative ancestors further amended the



NH Constitution in 1877 to prevent the indoctrination of school-aged children by any religious organization. It prevented public money from being allocated to any non-secular school. Most of our constituents concur with the Jeffersonian belief that the concept of the “separation of church and state” guarantees that their tax dollars will not be used to support a particular sect whose beliefs do not align with their own. The only way to be certain that one denomination is not favored over another is to have each stand on its own. The practice of one’s faith is a private, personal matter. Our ancestors understood that. The NH Constitution also charges the state with the responsibility and obligation to provide an adequate public education to all of NH’s children through her public schools. Unfortunately, the legislature has yet to agree on how to adequately fund our community schools that has resulted in multiple lawsuits brought against the state. It stands to reason that allocating public funds to private and/or religious schools, without extenuating circumstances, would only further violate the foundational tenets of our state’s history and constitution.

Rep. Mel Myler

**HB 61**, relative to teaching on discrimination in the public schools and discrimination in public workplaces. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill would repeal RSA 193:40 and RSA 354-A:29-34, commonly referred to as the banned concepts laws. The proposed repeal addresses the consequences of passing a law without following the full legislative process and review. It acknowledges the widespread confusion about the parameters of a law based on an individual’s perceptions. It acknowledges the vague language that has placed ill-defined limitations on classroom instruction and resulted in the intimidation of our teachers. The impact of RSA 193:40 and RSA 354-A has been well-documented through the public outcry our committee heard in the testimony offered during the hearing on this bill. Further, the repeal of RSA 193:40 will lift the cloud of suspicion of classroom teaching and rigorous debate of topical issues. The members of our committee in support of this bill believe that the majority of the citizens of NH do not support any initiatives designed to stifle intellectual inquiry, curtail respectful debate, or dismiss the lessons of the past.

Rep. Mel Myler

**Statement in support of Inexpedient to Legislate:** This bill seeks to repeal RSA 193:40, the law that prohibits educators from teaching that one group of people is inherently superior or inferior to another group based on characteristics such as race, sex, religion, national origin, etc. It also proposes the repeal of RSA 354-A:29 through RSA 354-A:34, laws which relate to the right to freedom from discrimination in public workplaces and education. To justify the repealing of a law, the most basic question that must be answered regards identifying what part of the written law is objectionable, but not a single one of the dozens of people who testified or any member of the Education Committee who supported this bill could satisfy this simple request. Instead, they argued that RSA 193:40, in particular, makes educators feel uncomfortable teaching about topics related to the groups that the law actually seeks to protect. This bill is misguided because laws must not be repealed on the sole basis of how they make citizens feel. Laws cannot be repealed because some citizens fear being falsely accused of breaking them. Although opponents have criticized RSA 193:40 as vague despite detailed guidelines provided by the Department of Education, it is as clear as Martin Luther King, Jr’s “I Have a Dream” speech! So if New Hampshire is truly to be a state in which people “will not be judged by the color of their skin but by the content of their character,” this bill must be found Inexpedient to Legislate.

Rep. Arlene Quaratiello

**HB 204**, relative to non-academic surveys in schools. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** The members supporting Ought to Pass believe that schools must remain educational institutions and not be transitioned into mental health institutions. It is totally within reason for healthy human relationships to develop between school government employees and children that lend towards an emotional understanding of students. It is wholly inappropriate to do data mining and generative themes based in surveying students for emotional responses, building out psychological profiles of students, mass-screening for mental health, direct, non-emergency psychological interventions, and so on in an educational environment. It is further very dangerous to incorporate such things into cutting edge technology, such as many major education corporations are already doing, to generate individualized digital communication interfaces, and implementing psychological manipulations such as “nudge theory” to subtly ideologically shift students in a direction not approved by their parents. These matters enter into deeply ideological and controversial waters legitimately handled in the realm of political debate.

Rep. Mike Belcher

**Statement in support of Inexpedient to Legislate:** Those voting in favor of Inexpedient to Legislate believe that the restrictions placed on non-academic surveys by requiring a prior written parental authorization and restricting the use of questions that evoke an “emotional response” will significantly restrict a school’s ability to create programs to meet a student’s social, emotional, or mental health needs. For years, schools have successfully utilized the aggregated data from “climate or culture” type surveys. These results do not identify

an individual student but rather identify school and/or school district trends of their student populations. Without this type of aggregated data, a school district's hands will be tied in creating purposeful programs and may very well miss opportunities to improve a student's well-being.

Rep. Stephen Woodcock

**HB 275-LOCAL**, relative to schools approved for a school tuition program by a school board. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This bill, as amended, would allow parents to enroll students in a tuition school approved by the local school board whose tuition cost is above the district's established tuition cost per pupil. Within this provision, the local board may require the parent to pay the tuition cost difference to a school whose tuition is above the sending school's cap, as long as at least one other board-approved option is available that is free, without a cost to the parent. In the Upper Valley alone, Lyme, Croydon, Monroe, Landaff, Piermont, and Bath pay tuition for middle school level or secondary tuition students. Local school boards may create tuition contracts with other schools, public or private, provided the school's tuition rate falls within the sending school's approved tuition program. A district's tuition program that involves multiple receiving tuition school contracts, may include an approved receiving school that exceeds the funding cap as long as one other board approved school that provides all the necessary requirements for the opportunity for an adequate education is available to the student at no cost. With this policy and provision in place, there is no discrimination; every student has the opportunity to receive the opportunity for an adequate education, without having to pay tuition. The New Hampshire tuition program has been in place for years, and with this successful program, parents of students in small K-8 schools currently have the opportunity to choose which surrounding schools they'd like their students to attend. To make such a decision, parents must consider: availability of academic programming, offered special education services, co-curricular activities, proximity to parents' daily job/work, needed transportation, career technical education offerings at the receiving school, graduation rates, and more. Parents strongly consider moving into tuition option communities when locating and choosing a place to live.

Rep. Rick Ladd

**Statement in support of Inexpedient to Legislate:** This bill enables local school boards to approve, among the list of schools available for tuition purposes, schools whose costs per pupil is above the determined and approved tuition costs set by the local school board. This requires parents who choose a school with higher tuition rates than the approved list to pay the cost difference. This arrangement discriminates against the parents who are unable to pay the additional amount for certain schools. In addition, the state has a constitutional duty to provide an opportunity for a free and adequate education for every child through the public schools. In this bill, there is no requirement for the school board to provide full tuition for a public school option. Parents should be guaranteed a public school option without any additional payment. This bill needs more work to ensure equity and accessibility for all students.

Rep. Linda Tanner

**HB 331-FN-LOCAL**, relative to the income threshold for the education freedom account program. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill removes the household income criteria from eligibility for the Education Freedom Account (EFA) program. According to the Claremont decision, the responsibility for ensuring the provision of an adequate public education and an adequate level of resources for all students in New Hampshire lies with the state. What is a public education? Is it a specific government institution or is it an adequate education achieved via public funding? When the EFA program was first introduced it envisaged that the state adequacy money would follow every student. The vast majority of parents currently send their children to their traditional local public school. But, unfortunately for some children, they just can't learn adequately there. However, they are still New Hampshire children, and we are still responsible for providing them an opportunity for an adequate education. So, providing them the state adequacy grant just makes sense. We don't means test our traditional public schools and we should not means test our EFAs.

Rep. Alicia Lekas

**Statement in support of Inexpedient to Legislate:** The Education Freedom Account (EFA) school voucher program was created to provide students from low-income households with private alternatives to their public school. To be eligible, an EFA student's annual household income must be at or below 300% of the federal poverty guideline (currently \$90,000 for a family of four) at the time they apply to the program. Other bills seek to increase the income threshold to \$105,000 and even \$150,000. This bill completely removes the annual household income threshold so that any family, no matter their income, would be eligible to use taxpayer money to pay private school tuition bills. Taxpayer money to make these payments will come from taxes that many of us pay. Taxpayers across the state are bearing the burden of high property taxes. Many are retired and live on a fixed income. They are looking for relief, not a tuition bill. The fiscal note states the cost is

indeterminable, but a realistic estimate would be \$75 million per year for the 16,000 students who currently enroll in private schools. A better use of tax revenue would be to fund our public schools in a way that is fair to students and taxpayers.

Rep. David Luneau

**HB 371**, establishing a commission to evaluate and recommend standards for public schools. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill establishes a commission to evaluate and recommend standards for public school approval. Every ten years, the Department of Education evaluates and approves changes to the minimum standards for public school approval. These standards include requirements for the school board, administration, food service and nutrition, teacher certification and instructional areas, school counselors, professional development, class size, instructional time, areas of study, distance learning, extended learning opportunities, and graduation requirements, just to name a few. However, there is no dedicated legislative oversight committee for the transparent and collaborative development of these standards. Other standards for academic work and accountability are subject to a legislative oversight committee, but not the minimum standards for school approval. The minimum standards for school approval have a direct impact on the health, safety, and education of more than 160,000 New Hampshire children who attend public schools. Any changes to these standards must be made in a way that is transparent, collaborative, and accountable. Our future depends on it.

Rep. David Luneau

**Statement in support of Inexpedient to Legislate:** This bill would establish a commission to evaluate and recommend standards for public schools. This bill is not needed as it is the statutory responsibility of the already established Legislative Oversight Committee for the Statewide Education Improvement and Assessment Program, to review and make recommendations regarding academic standards. The State Board of Education is statutorily responsible for establishing the minimum standards for public school approval and academic standards for inclusion and delivery of educational services at the local level, not another costly commission comprising 25 commission members. The Legislative Oversight Committee has the specific duty to review and make recommendations relating to academic standards under consideration by the State Board of Education pursuant to RSA 193-E:2-a, IV(c). Upon receiving the draft copy of the proposed minimum standards for public school approval from the department, the Legislative Oversight Committee will commence a comprehensive review and offer findings and recommendations in timely manner. This bill duplicates responsibility of the Education Oversight Committee; it would also delay any comprehensive review with findings regarding the proposed standards taking place until late summer.

Rep. Rick Ladd

**HB 427**, relative to public comment and inquiry during school board meetings. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This bill, as amended, relates to school board public comment periods and provides for greater parental input. It specifies that public comment periods be provided prior to board action on agenda items. People need to be able to provide input to the board before they take action. It also specifies that the public may comment on non-agenda items. This currently is not always the case. This bill also states that members of the public be given at least three minutes for their comments. By giving the public more ability to express opinions, it will make for more cooperation between the public and school boards.

Rep. Glenn Cordelli

**Statement in support of Inexpedient to Legislate:** Current law requires school boards to have a dedicated period for public comment on board meeting agendas. This bill expands these requirements to include questions and complaints from the public and answers from the board. The bill goes further to allow comments, complaints, and questions not limited to agenda items or any other specific subject of interest to the board or community. School board meetings, community forums on specific areas of concern, and meetings dedicated to subcommittee work could easily be hijacked by a small group of people. Current law allows for comments, complaints, and questions to be submitted to any school board member at any time. And nothing in this bill changes any requirements for public schools to comply with right-to-know requests. As such, this bill is not necessary and would cripple the board's ability to perform its duties of governance as prescribed by state law.

Rep. David Luneau

**HB 432-FN**, relative to participation in the education freedom accounts program. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill requires annual recertification of income eligibility for awarding of Education Freedom Account (EFA) funds. The EFA program currently requires applicants to certify family income is below 300% of the federal poverty guideline. For a family of four, this is \$90,000 per year and the guideline is updated annually for inflation using the Consumer Price Index for All Urban Consumers (CPI-U). The intent of the EFA program is to provide public school students from low-income families

with access to a taxpayer-funded private education alternative. However, in the haste to incorporate the EFA program into the state budget, annual income recertification was omitted. And this omission allows families who were once income-qualified to continue receiving taxpayer money to pay private school costs long after their income has increased due to a change of employment or other circumstances. The bill only requires annual income recertification, regardless of statutory changes to the income eligibility threshold. And nothing in this bill requires the student to change their school or education option. The bill protects the intent of the program and the responsible use of taxpayer money.

Rep. David Luneau

**Statement in support of Inexpedient to Legislate:** This bill is another attack on the successful Education Freedom Accounts program. It requires that the family income must be checked annually against the family income cap. Currently, the income is checked in the initial application process and if they are under the cap, then the children are in the program. The problem with checking the income annually is that income in many jobs, such as real estate, may change from year to year. It would be unfair to the children to treat them like yo-yos and continually allow them in the program and then bounce them out because of the family income change. Children need stability in the education setting that meets their individual needs.

Rep. Glenn Cordelli

**HB 451**, relative to the state board of education prohibition on discrimination. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This is a simple bill. It ensures that there will be no discrimination under New Hampshire's non-discrimination laws in admissions by any public, private, online, or vendor school that receives taxpayer resourced money. At the present time, non-public institutions and programs are only required to abide by the federal non-discrimination laws. No child or parents should experience rejection for admission to taxpayer resource funded and state supported educational programs or activities on the basis of our New Hampshire non-discrimination law that includes protections for gender identity, sexual orientation, race, religious creed, marital status, national origin, color, economic status, physical or mental disability, or sex. This bill does not apply to any parent whose child is receiving education through an approved homeschool program, nor does it restrict sex discrimination in educational institutions or activities that are designed for single sex groups.

Rep. Linda Tanner

**Statement in support of Inexpedient to Legislate:** This bill expands the State Board of Education statutory requirement to ensure that there is no unlawful discrimination in any public school. It expands the requirement to include entities that receive state or federal funding; including private schools, online programs, and "education vendors" although provides no definition as to who these vendors are. It also greatly expands the list of classes of people to be protected. It is unclear why the State Board would investigate private schools receiving just federal funding. The entities that are the targets receiving state funds are intended to be recipients of funds from the Education Freedom Accounts program. The funds they receive are actually private funds from account parents as stated by multiple courts. One of the often-cited areas of discrimination are private schools that might not accept certain students with disabilities for whom they are not able to provide services. These schools are private and do not have the ability to raise taxes, but do the best they can to provide needed services. This basic legislation has been defeated on prior occasions since the start of the Education Freedom Account Program.

Rep. Glenn Cordelli

**HB 515**, relative to education freedom accounts. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill updates the Education Freedom Account (EFA) chapter to keep language consistent throughout. Slight modifications are made of which committee members in support of this bill believe increases transparency and clarity. Several changes include the department shall make no state adequacy grant payment to the school for curricular activities and programs for EFA students and multiple scholarship organizations may be contracted and approved under this chapter.

Rep. Valerie McDonnell

**Statement in support of Inexpedient to Legislate:** The Education Freedom Account (EFA) school voucher program lacks transparency, accountability, and oversight. And this bill does not offer any improvement to these serious defects. One of these serious defects is the unreasonably high burden placed on the private contractor that administers the program to determine whether a suspected case of fraudulent use of funds was intentional. Determining whether an illegal act was committed with intent is normally done by the Department of Justice, not by a contractor. The Department of Education acknowledges that there are cases of fraudulent use of funds in other states with similar programs, which is why the EFA statute should have strong measures to detect and prevent fraud. But rather than correcting this flaw, the bill makes it even more difficult for the state to know when there has been fraudulent use of taxpayer dollars. Further, the bill codifies weak reporting requirements that provide no transparency for the use of public funds or accountability for student outcomes.

Rep. David Luneau

**HB 516-FN**, relative to freedom of speech and association at public institutions of higher education. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** Proponents of this bill, as amended, believe that this bill is critical to ensuring that first amendment rights of students are not limited to specified zones of exercise. In addition, proponents believe this bill is needed to prevent discrimination based upon ideological differences. Differing viewpoints on particular issues need to be presented respectfully and received in the same manner. The bill encourages open-minded discussion and study. By creating a clear standard as proposed by this legislation, this bill protects this important goal, avoids needless litigation, and makes it certain that university administrators cannot decide who is entitled to recognition as a student organization based upon which beliefs those administrators favor or disfavor.

Rep. Valerie McDonnell

**Statement in support of Inexpedient to Legislate:** The bill establishes a policy for free speech and expression at our state colleges and universities. While the bill has many good aspects, they are already being done throughout the state's university and community college systems and are included in free speech policies at the institutions of UNH, Plymouth, Keene, and the community colleges. Apart from the area of free speech and expression, the bill includes a "right to discriminate" for student organizations. This "right to discriminate" allows any student organization that receives the benefits of a recognized organization, including financial support from the institution, to exclude others from membership based on race, gender identity, sexual orientation, or any other discriminatory beliefs established by the student group. This provision fuels a divisive environment on campus and could lead to violence. And it violates our state's own non-discrimination laws and federal law such as title IX. Bills like this promote discrimination and hate speech and should be resoundingly rejected.

Rep. David Luneau

**HB 538-FN**, establishing a local education freedom account program. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill allows school districts to adopt a program for Local Education Freedom Accounts (LEFA) for a parent of an eligible student to receive a grant from a scholarship organization for qualifying expenses at a public school, chartered public school, non-public school or program approved by the Department of Education. This bill enables local school districts the choice to enact a local savings account program. The process to establish a LEFA program is well documented and requires a 3/5 majority of those voting on the question to establish the LEFA at the school district meeting. The local community can also discontinue the LEFA with a similar process. The scholarship awarded a student is the amount equal to twice the amount that child would receive from the base adequacy and differentiated aid. All students who are at least 5 years of age and not more than 20 years of age and have not graduated from high school are eligible to apply for a LEFA account. The scholarship organization approved under RSA 77-G shall administer and implement local education freedom accounts. Funds provided through the scholarship program shall be used for qualifying expenses as identified in the bill. No eligible student shall receive a grant under this chapter and an education tax credit scholarship pursuant to RSA 77-G in the same school year. There are no income caps for this program. As with other choice programs, this locally approved program will assist students who are looking for another learning fit that best meets the student's needs.

Rep. Rick Ladd

**Statement in support of Inexpedient to Legislate:** This bill allows the extension of the Education Freedom Account (EFA), school voucher, program to include local school taxpayer resourced funds as well as state education funds. Monies raised through local property taxes could be used to increase the EFA voucher by twice the amount of state adequacy money resulting in over \$10,000 to parents to educate their child as they see fit. Half of this money would come from the state funds and the local district would be responsible for providing the other half of the voucher. The voucher can be spent for supplies, educational programs, homeschool, tuition for learning centers, and fees for private schools or religious schools. The local community school would be forced to raise more local taxes to accommodate this program. There is no cap on this program, no income restriction, no requirement for fiscal or academic accountability to the local district, the local community, or the local property taxpayer.

Rep. Linda Tanner

**HB 539-FN**, relative to vaccination clinics at schools. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** The committee heard of multiple documented cases of NH students being vaccinated without parental consent, and even against the explicit wishes of their parents, at vaccine clinics held at NH schools. The intent of this bill is to prohibit the holding of such clinics during normal schools hours when students may possibly be errantly rounded up into the process to receive vaccinations. Nothing would prohibit the holding of such clinics outside of these prohibited hours. Also, in testimony from the Department of Health and Human Services, we heard that these clinics are held in such a manner as to fulfill federal requirements for various mass-casualty and biowarfare certifications, such that separate training events need not be held. While the committee recognizes the advantage of time and

money savings, we feel it wholly inappropriate in this case. To even potentially distract any persons involved in such critical events as vaccination of children with the additional duties of federal box checking, seeking certifications, or additional onerous requirements that so often accompany federal mandates. The members of the committee in support of this bill supports the bill with or without amendment.

Rep. Mike Belcher

**Statement in support of Inexpedient to Legislate:** This bill prohibits public elementary, secondary, and public chartered schools from conducting vaccination clinics during school hours or within two hours at the beginning or end of the school day. It takes away a local decision to best meet the needs of the community. The residents of NH cherish local control. This legislation would remove the local community's ability to provide a public health service to its children, especially those who are less likely to be insured or have other barriers to being vaccinated. School-based clinics are a tool to keep our communities safe. In 2022, 4,500 students received the flu vaccine at a school clinic. Reducing the number of clinics at schools would also result in an indeterminable cost to the Department of Health and Human Services.

Rep. Patricia Cornell

**HB 552-FN-A-LOCAL**, relative to making incentive grants for school districts that improve in certain assessment scores. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This bill would transfer \$1,000,000 to the Department of Education to award to school districts that improve on mathematics test scores in statewide assessments. The amendment, which is preferred, grants the reward to the individual school which makes the improvement, rather than to the whole district. Consequently, it reduces the amount to \$500,000 with awards not to exceed \$25,000 per school. This bill is not meant to imply that teachers and schools are not working hard already. But there is more to the school community than just the teachers. People are known to go above and beyond when there is an award at stake. This includes students. Just look at sports teams. Mathematics scores throughout the state are well below sufficiency. This award is meant to recognize growth and incentivize the entire school community to try new ways to improve math proficiency.

Rep. Alicia Lekas

**Statement in support of Inexpedient to Legislate:** This bill would provide grants for up to \$50,000 for school districts that show improvements in students' mathematical test scores. This bill does not specify which schools within a district would receive funding from this legislation. Given the criteria for awarding grants, there are no requirements in the bill that would focus the awards to those schools districts most in need of additional resources from the state. During the debate, the question was raised as to whether or not a \$50,000 grant would have significant impact on any mathematics program. Comments were also made during the debate that school districts would try harder to improve their mathematics. However, committee members with a history in public schools stated that school districts are already working hard to maximize the impact of their instructional programs, including mathematics. Finally, any state funding for local schools should be targeted to districts most in need. This bill does even attempt to target those underserved and underfunded districts.

Rep. Arthur Ellison

**HB 572-FN**, relative to eligibility for free school meals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Muriel Hall for the **Majority** of Education. The majority of the committee agrees that this bill ought to pass with amendment. The intent of this bill is to support a greater number of families who are financially vulnerable by providing greater access to free school meals. This bill raises the eligibility cap for free school meals from 130% to 300% of the federal poverty level (FPL). Current federal law provides for free school meals to families who earn up to 130% of the FPL and reduced school meals to families whose annual income is 130-185% of the FPL. This bill authorizes the Department of Education to reimburse school districts with monies from the Education Trust Fund. With the current rise in cost of living expenses, we are committed to assisting Granite State families in reducing food insecurity and expanding the opportunity to feed hungry kids. **Vote 12-8.** Rep. Mike Belcher for the **Minority** of Education. The minority finds that raising the thresholds for this federal program will result in a shortfall of reimbursement and shift a substantial burden to NH taxpayers. As the federal government will not reimburse for amounts over 185%, moving to 300% represents a massive increase in the eligible population that NH will be required to cover the difference, and it will make many families earning over \$100,000 yearly eligible for the free lunch program. Further, though it does not directly expand the federal program, it also does nothing to withdraw from the federal program, and as such, all federal requirements – which are many and onerous – will apply. This represents the worst of both worlds: a brand new state-funded and federal-controlled entitlement program.

**HB 573-FN-A-LOCAL**, limiting education freedom account funding to budgeted amounts. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** Under current law, the Education Freedom Account (EFA) program draws funds "carte blanche" from the Education Trust Fund. It's literally a blank

check from the same trust fund the state uses to pay for public school costs. Public testimony called the EFA program “a platinum card with no credit limit.” This bill limits the amounts of funds appropriated to Education Freedom Accounts to budgeted sums. The amendment passed by the committee corrects a drafting error and specifies the appropriation is to be made in the biennial state operating budget with funds to come from the general fund. During the budget process, the Department of Education would be responsible to provide reasonably credible estimates of program utilization and costs. Currently, the program is over budget by nearly ten times because projected utilization failed to consider that just about all the participating students would already be enrolled in private schools. The bill would bring fiscal responsibility and transparency to a program that lacks both. The bill asks no more than what we ask from all other departments in forecasting their needs and presenting a budget.

Rep. David Luneau

**Statement in support of Inexpedient to Legislate:** The opinion of members in opposition to this bill reflects the belief that, as a fundamental part of the education adequacy system in NH (as required by NH Supreme Court precedent), to restrict Education Freedom Account (EFA) funding to a limited budgeted amount would represent a failure to meet adequacy requirements. As such, it may be unconstitutional, and it would open the state up to legal action. Further, the committee finds that our commitment to fund the education of NH students must apply to all students, and further that parents have the right to direct the education of their own children. Taken together, these facts mean that a public (local government) school likely will not meet the needs of every student within a district, and therefore, that the state is ethically bound to fund, within reasonable limits, the education of children as directed by their parents outside the local government system.

Rep. Mike Belcher

**HB 603-FN**, relative to education service providers under the education freedom accounts program. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill attempts to put accountability to the use of taxpayer resourced money for the payment from Education Freedom Account vouchers to private educational providers. The requirements are as follows: service providers must be in operation for a minimum of one year prior to participate in this program, and if providing instruction, must be an approved nonpublic school as outlined in Ed Rules 400. The provider must comply with state and federal non-discrimination laws, meet basic health and safety standards and codes, and require criminal background checks for employees with direct contact to students. These are reasonable and doable requirements that will help ensure student safety, responsible educational instruction, and add accountability for public funding.

Rep. Linda Tanner

**Statement in support of Inexpedient to Legislate:** This bill adds compliance for education service providers requesting payment from Education Freedom Account (EFA) funds, including criminal history records checks of employees with direct contact with students. Those who support the Inexpedient to Legislate motion feel that there are many problems with this bill. The requirement for a provider to be in existence for at least one year may limit new organizations from stepping up to fulfill an opportunity. The biggest problem is with requiring those who provide instruction to students to be an approved nonpublic school education program. This would eliminate tutors, private music instructors, individual specialists in dyslexia, and many others which are used now by EFA students. It would be a shame to hurt students’ opportunities in this way. There are other problems but these are the biggest ones.

Rep. Alicia Lekas

**HB 621-FN**, relative to funds of the education freedom accounts program after termination of a student’s participation and responsibilities of the scholarship organization. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill strengthens the anti-fraud provisions in the Education Freedom Account (EFA) law. The current EFA law allows a student to leave the EFA program and enroll full-time in their resident public school district while at the same time allowing parents to continue to spend funds from that account. The bill stops this practice by closing the EFA as soon as the student leaves the program and returns remaining funds to the education trust fund. Current EFA law is also weak on detecting and reporting the fraudulent misuse of EFA funds. The law requires the private contractor that administers the program to obtain evidence of fraud and determine whether the crime was committed with intent. This is typically done by law enforcement and not a contractor. The bill strengthens the state’s ability to investigate and prosecute suspected cases of fraud by requiring the contractor to refer such cases to the Department of Justice, and let them investigate, obtain evidence, and determine whether crimes were committed with intent. Other states have reported cases of fraud in similar school voucher programs and we should have strong fraud protections as well.

Rep. David Luneau

**Statement in support of Inexpedient to Legislate:** This bill requires the immediate termination of Education Freedom Accounts (EFA) if an EFA student enrolls as a full-time student in the resident school

district. The problem is that in some cases, there may be outstanding payments that could not be completed if the account is immediately terminated. There needs to be time to allow pending payments to be completed to ensure that vendors receive their funds.

Rep. Glenn Cordelli

**HB 629-FN**, establishing a student bill of rights. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This bill is intended to bring the discourse and focus of this House to students and their rights. It attempts to centralize in one place the rights of students already guaranteed by our federal and state constitutions and statutes. It is not intended to create any new rights. Public education, along with the effort and guidance of parents, the community, and the state, help to protect, nurture, motivate, educate, and provide a safety net for the growth and development of students from childhood to adulthood. Teaching students that they are respected members of our schools, that their voice is worth listening to, and that they have rights, helps them to become active members of their schools, communities, and informed citizens as adults. The amendment reinstates the declaration of intent that was submitted but not included in the drafting of the bill.

Rep. Linda Tanner

**Statement in support of Inexpedient to Legislate:** This bill creates a new statute by establishing a student bill of rights chapter of law. The opposition believes language within the bill is vague, and that the process of gathering student input was insufficient at best. It should be remembered that most students are under age 18 who must conform with approved school and school district policies designed to ensure a safe, secure, and orderly learning environment. In addition, concerns were raised about why certain privileges were listed while others not. Finally, the opposition believes this bill does not align with the framer's intention of listing negative rights, by instead listing affirmative privileges.

Rep. Valerie McDonnell

## ELECTION LAW

**HB 40**, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency." **WITHOUT RECOMMENDATION**  
**Statement in support of Ought to Pass:** Supporters of Ought To Pass believe that the existing law creates unnecessary barriers for citizens seeking to exercise their constitutional right to vote, including the elderly, young adults, and the homeless. As confirmed by the Governor and the office of the Secretary of State, NH has never had evidence of significant voter fraud issues and, in fact, is known for its integrity.

Rep. Connie Lane

**Statement in support of Inexpedient to Legislate:** The proposed bill seeks to rollback much needed safeguards in NH election law, as well as erode the definitions of domicile and resident. This could lead to legal drive-by voting, where individuals need not stay in the state after the election. While the NH Supreme Court (NHSC) ruled SB3 unconstitutional in a 3-2 decision, the US Supreme Court released a ruling the day prior, directly contradicting the NHSC decision. It is likely that a future court challenge would reverse the ruling in NH. Therefore, it is recommended to leave the language in place and make minimal changes to address the NHSC's concerns while also recognizing the state's compelling interest in preventing voter fraud as outlined in the US Supreme Court's recent decision.

Rep. Ross Berry

**HB 209**, relative to the form required to request an absentee ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Kennedy for Election Law. The goal of this bill was to simplify the application form to obtain an absentee ballot by amending RSA 657:4. During the discussion of the bill, it was pointed out that the suggested new form, was inconsistent with the valid reasons for eligibility as described in RSA 657:1. For example, there was no mention of winter storms in the new form and 'disability' had replaced 'physical disability.' **Vote 20-0.**

**HB 255**, relative to campaign contributions by limited liability companies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Connie Lane for the **Majority** of Election Law. This bill requires that a political contribution by a limited liability company (commonly referred to as an "LLC") be allocated to its members for the purposes of determining whether a member has exceeded contribution limits in the NH statutes. The amendment made clear that the attribution to members was tied to their percentage interest in the LLC and clarified that corporations are included since they can be members. The bill clarifies that members of LLCs are subject to the same political campaign contribution limits as are individuals and corporations under state law - \$10,000 for individuals and corporations during the election phase of a campaign. There is no mention of LLCs in NH campaign finance laws. Presently, each LLC is treated as its own individual donor for the purpose of direct campaign contributions, regardless of who controls it. So, a donor can give the maximum contribution to a candidate and then set up unlimited numbers of LLCs and give as much as that donor wishes to a candidate – well in excess of the \$10,000 statutory cap. This is known as the "LLC loophole" and is used by candidates of both parties to raise



funds well over the statutory limits set for individuals and corporations. Under this bill, if an LLC donates to a candidate, then it must disclose the names and percentage ownership of each member to the candidate, which will then be attributed to the member's contribution limits under NH law. This bill provides transparency to prevent wealthy individuals and corporations from having undue influence in elections due to a loophole in NH's campaign finance laws. The bill does not violate *Citizens United* or its progeny – that case permits limits on spending by corporations and partnership-like entities. This bill does not prevent free speech; it requires individuals and corporations to abide by the contribution limits in NH law. **Vote 10-9.** Rep. Ross Berry for the **Minority** of Election Law. Prohibiting limited liability companies (LLCs) from contributing to political campaigns in New Hampshire could have unintended consequences for small business owners and their ability to fight back against the influx of out-of-state money and money from DC Political Action Committees (PACs). LLCs are a popular form of business organization for small businesses because they provide limited liability protection and flexibility in management and taxation. If New Hampshire were to prohibit LLCs from contributing to political campaigns, small business owners who operate as LLCs would no longer be able to pool their resources to support candidates or causes they believe in. This could be particularly problematic in a state like New Hampshire, which has a small population and limited resources for political campaigns. Restricting small business owners but not large PACs and other dark money groups would result in a situation where the voices of small business owners are drowned out by larger, more well-funded groups, leading to a loss of representation in this important sector of the economy. No attempts have been made to curtail the influence of the out-of-state donors and the minority of the committee did not find it prudent to restrict NH's small businesses while continuing to allow Californians and New Yorkers to peddle their influence in the Granite State. It is important to find a balance between preserving the integrity of the democratic process and ensuring that all voices are heard in the political arena, including those of small business owners who contribute to the economic vitality of the state.

**HB 316**, relative to meetings of supervisors of the checklist. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for the **Majority** of Election Law. This bill as supported by the NH City and Town Clerks Association, requires supervisors of the checklist to meet every 90 days for the purpose of periodic checklist maintenance and to post these meetings so that the public may attend. The majority of this committee agreed that this action will bring consistency and predictability to the timeframe of when the supervisors meet and that this will increase public trust in the maintenance of voter checklists and in the election process. The committee amendment changes the original bill's 45 day requirement to 90 days. **Vote 12-7.** Rep. Angela Brennan for the **Minority** of Election Law. This bill creates a one-size-fits-all mandate for municipalities that would require Supervisors of the Checklist to meet on a schedule set by the legislature without recognizing the diverse needs of towns and cities. Recent legislation requires the Secretary of State (SOS) to use US Postal Service records to help ensure the accuracy of checklists statewide and implementation is expected in the coming months, which should address the possible concerns supporters of this bill are trying to resolve. Additionally, without this bill, the SOS can provide more training opportunities for any supervisors who may need updated instructions on best practices for checklist maintenance and management. Some opponents have concerns about legislating opportunities for bad actors to challenge voter rolls unnecessarily, wrongly disenfranchising voters, and overburdening Supervisors of the Checklist.

**HB 363**, relative to deadlines for candidates filing by nomination papers for state general elections. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill is focused entirely on candidates running either as an independent or as a member of a minor political party. These candidates have four deadlines to meet to get on the state General Election ballot. These deadlines are currently tied to the primary elections of the two major parties. The bill couples these deadlines instead to the date of the General Election. The first part of the bill moves the filing of a Declaration of Intent for these candidates from the major party primary filing date in early June to the third Monday in July. The other three deadlines for nomination papers (signatures, etc.) are currently defined as a set number of weeks before the major party primary election dates. The same number of weeks are set in the bill, except these are now tied to the date of the General Election. A major purpose of the bill is to prevent these candidates from being forced to file a Declaration of Intent too early, if the major party primary dates are changed. This has caused legal issues in other states. The supporters of Inexpedient to Legislate mentioned that the bill creates two classes of candidates, but as the sponsor points out, there are already two classes.

Rep. Stephen Kennedy

**Statement in support of Inexpedient to Legislate:** This bill modifies the filing dates for independent candidates, allowing them to file well after those candidates who must register to participate in their party's primary. The minority sees no reason to allow independent candidates extra time to decide if they are going to run or take advantage of situations where there are uncontested races. Supporters of Inexpedient to Legislate feel that all candidates must comply with the same registration deadlines.

Rep. Connie Lane

**HB 460-FN**, relative to eliminating voter identification exceptions. **WITHOUT RECOMMENDATION**  
**Statement in support of Ought to Pass:** This bill removes exceptions for proving voter identification. It further removes voter affidavits as proof of identification and repeals the procedure for affidavit ballots. The prime sponsor stated that he wanted to both preserve same day registration and do away with excuses for not having documents to prove identification when voting. A naturalized US citizen testified about his experience voting in a different state. His identification was not only not required there, but it was also rebuffed when he offered it. This gave him little confidence that only qualified voters voted in that state. We believe that voter confidence will be enhanced and preserved when citizens trust that only those with a legal right to vote are allowed to do so. We heard concerns regarding homeless citizens and their right to vote. We consider current law allowing the use of the address of a shelter or similar facility for the purpose of obtaining an ID and voting sufficiently protects the voting rights of those citizens.

Rep. Katherine Prudhomme-O'Brien

**Statement in support of Inexpedient to Legislate:** By eliminating the opportunity to execute an affidavit in lieu of photo identification, this bill fundamentally changes the voter registration process in New Hampshire at the cost of preventing thousands of people from voting. Under this bill, everybody who registers to vote will need to present a birth certificate, passport (which costs over a hundred dollars and takes 10-12 weeks to get), or naturalization papers. Based on data provided to the committee, if this law had been in effect in 2022, up to 3,000 New Hampshire voters may not have been able to register and vote. And in 2024, a presidential election year, that number will probably be much higher. Balanced against that, as of April 2022, the Attorney General's office had not brought a single enforcement action for wrongful voting in the 2020 September and November Elections where more than one million votes were cast. This bill also expands the ability for voter challenges to disqualify people from voting without adequate safeguards or adequate due process. Any registered voter can challenge the eligibility of someone who is attempting to register on election day. The challenge is decided under the lowest burden of proof in the law—preponderance of the evidence—virtually guaranteeing that there will be people prevented from voting who are in fact eligible. Opponents of the bill feel that the legislation will encourage challenges and the remedy is inadequate in light of the denial of the right to vote by the person challenged. A similar Kansas law that required registrants to provide this proof of citizenship was struck down by the Tenth Circuit Court of Appeals in 2020, and we can expect this law will meet the same fate. Opponents of the bill do not want to encourage more litigation - the last time a law was passed like this—SB 3—the State ended up paying over \$4,000,000 in legal fees.

Rep. Heath Howard

**HB 586**, relative to absentee voting due to absence. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Russell Muirhead for the **Majority** of Election Law. This bill would add two justifications for requesting an absentee ballot: first, that travel to, or attendance at a polling place may endanger one's health or safety; and second, the "lack of convenient and affordable transportation to and from the polls." The majority believes these are reasonable justifications and that permitting them will allow those with health and transportation concerns to request and receive absentee ballots. The bill preserves in-person voting for the vast majority of citizens, while increasing access to the ballot for those with reasonable concerns that will prevent them from getting to the polls. **Vote 10-9.**

Rep. Ross Berry for the **Minority** of Election Law. This bill seeks to allow people who have a fear of becoming ill or are unsure they will have "convenient" transportation to get to the polls on election day access to an absentee ballot. At no point does the bill define "convenient" transportation or what a rational fear of becoming ill would be. This bill would violate Part 1, Article 11 of the New Hampshire Constitution, Bill of Rights by creating an intentionally vague exception that would have the effect of creating any-excuse absentee voting. Not only is this a form of voting ripe for abuse, but it also diminishes the political process in New Hampshire by front-loading the election. This means that voters are casting votes for candidates that have not yet had the opportunity to make their case to the voters. While the vast majority of absentee voting is legitimate and inline with the New Hampshire Constitution, this would erode that process and fundamentally change New Hampshire's elections. We pride ourselves in New Hampshire by keeping Election Day on Election Day and not turning it into election season. This bill takes what were concerns of COVID-19 and turns them into perpetual laws promulgating a system of voting that seeks to undermine the New Hampshire way of doing things by using fear as an excuse to weaken our election process.

## ENVIRONMENT AND AGRICULTURE

**HB 56**, relative to permits for the siting of new landfills. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** Under current Department of Environmental Services (DES) rules, the setback from a landfill to a surface water body is a minimum of 200 ft. This distance does not reflect the time it would take to detect and take action on a leak or spill that could threaten our

valuable lakes, rivers, and coastal waters. The underlying bill establishes a distance based on the time that groundwater takes to reach those water bodies. The minimum distance would be how far a potential leak would travel in five years. Amendment #2023-0772h offers thorough grandfather protections for pre-existing landfills that are already accepting waste. The amendment also allows DES to make rules for site-specific allowances that could reduce time of travel when certain technical improvements are added to the project. In no case would the time of travel be less than three years. We feel this protects water, people, and the environment in the event of a serious landfill leak or leachate spill.

Rep. Megan Murray

**Statement in support of Inexpedient to Legislate:** The language in this bill sets parameters for landfill siting based on groundwater seepage velocity determined by independent hydrogeological testing. While this bill and its amendment are both well intentioned with regard to protecting groundwater, the “one size fits all” restrictions that it poses on the NH Department of Environmental Services (DES) siting criteria could result in an overall erroneous evaluation of a landfill site thereby totally halting development. The proposed language would statutorily require the applicant to use a single, localized measurement to determine the time of travel setback distance. Use and consideration of a single, highest measurement is NOT representative of real field geologic/hydrogeologic conditions. This could tie the hands of DES and prevent development of a landfill in an otherwise acceptable geologic setting, based on a single, anomalous data point collected in the field. Geologic mapping may help identify a preferable site for development – but a single anomalous measurement could prevent that development under this proposed language. According to testimony, current operating landfills in Mt. Carberry (Berlin), Turnkey (Rochester), and NCES (Bethlehem) would likely have passed the test in the proposed language in this bill, which leads us to believe that the current rules that DES is operating under for siting landfills has been very successful. Hydrogeologic conditions of a landfill site can be complex and this bill places too much restriction on DES in that regard and does not allow for much site specific flexibility. Overall, we believe that landfill siting criteria using hydrogeologic conditions should be studied more as to how they can be correctly incorporated into statute or rulemaking, and without picking an arbitrary five-year leachate seepage setback criteria. Lastly, there is little detail in the bill and its amendment relative to the nature of the “project improvement allowances” that it envisions in order to allow for a less than five-year leachate seepage allowance. It is unclear to DES, and to our committee, what specific actions or improvements are intended to qualify for these allowances.

Rep. Judy Aron

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 96**, recognizing May 3rd as Old Man of the Mountain Day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Chris True for the **Majority** of Executive Departments and Administration. This bill would place into statute and have the governor issue an annual proclamation honoring the day the Old Man of the Mountain rock formation collapsed. The committee believes that simply placing the day into statute does not raise awareness of the former landmark. People are certainly free to organize a commemoration. There is a very nice memorial area that has been established at the site for anyone who wants to experience feeling of what looking at the Old Man of the Mountain would have been like. **Vote 16-3.** Rep. Dianne Schuett for the **Minority** of Executive Departments and Administration. The committee has a philosophy of not frivolously endorsing so called ‘naming days.’ However, the bipartisan minority of the committee believes that this bill, which would recognize the date of the demise of the Old Man of the Mountain, should be the exception. The iconic image, which is on our license plates and our state coin, and the historical importance of the ‘Old Man’ to all citizens of our state warrants statutory recognition and remembrance.

**HB 127**, relative to the declaration of a state of emergency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. This bill modifies the duration of a state of emergency that the governor can declare without the approval of the legislature and the nature of the action the legislature must take to extend or end it. Currently, the governor may declare a state of emergency for up to 21 days and may renew it indefinitely. However, after 90 days the governor must call a joint session of the legislature. At that session the legislature shall vote on ending the state of emergency. It would take a majority of both the House and the Senate to end the state of emergency. If a quorum of the joint session does not attend the governor may continue the state of emergency. This process of calling the joint session must be repeated every 90 days until the state of emergency ends. This bill would permit the governor to declare a state of emergency for up to 21 days and renew it up to 3 times for a maximum of 84 days. If the legislature believes that the state of emergency should continue it would need to meet and vote to declare a state of emergency for up to 90 days. This would require a majority vote. The legislature could repeat this process every 90 days for as long as it deems necessary. The majority of the committee believes

that for the state of emergency to extend beyond 84 days that the people, represented by the legislature, must approve that extension and that approval must be by both the House and the Senate. **Vote 11-7.** Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. Current law regarding executive orders, allows the legislature to terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. The governor's power to renew a declaration of a state of emergency terminates under the adoption of the concurrent resolution. We do not see this bill as an improvement to this statute. As representatives of the people of NH, it is our moral and ethical duty, as public servants, to participate in all pertinent powers of the legislature, and therefore, we do not need an additional statute to confirm these responsibilities and obligations.

**HB 228**, relative to repealing the commission on demographic trends. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill repeals the commission on demographic trends. This commission was meant to serve an important function at its inception but since its founding, commission participation has dwindled and they did not meet in the past year. Therefore, the committee supported repealing the commission with the hope that those who support this work, restructure the commission and submit new legislation. **Vote 14-2.**

**HB 339-FN**, prohibiting the investment of state funds in any company participating in a boycott of Israel. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jaci Grote for the **Majority** of Executive Departments and Administration. This bill prohibits the investment in state funds to any company participating in a boycott of Israel. The testimony presented to the committee was lively and many opposed the bill because it was not effective as a form of protest. The New Hampshire Retirement System has a rigorous investment protocol that works in the interest of the retirees and their beneficiaries. The committee felt this investment strategy was best handled by that board and did not feel that this bill was necessary. **Vote 15-5.** Rep. Kimberly Abare for the **Minority** of Executive Departments and Administration. This bill prohibits the investment of state funds in any company participating in a boycott of Israel. Israel is a major trade partner; supporting a boycott against them may have detrimental effects on our economy and subsequently our ability to achieve higher returns on our investments. Lastly, Israel is an ally to the United States of America.

**HB 390**, revising the membership and structure of the New Hampshire commission on Native American affairs. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill revises the structure and membership of the New Hampshire Commission on Native American affairs. During the hearing, there was testimony from the indigenous community that was opposed to the bill. It is the position of the committee that the NH General Court is not the place to address significant differences between those testifying. An amendment was offered to convert the bill to a study committee but the committee did not feel that this was a viable method to resolve the differences exposed during the hearing. **Vote 16-3.**

**HB 461-FN**, relative to elimination by political subdivision employers of a group II retirement position. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. As amended, this bill seeks to safeguard against cost shifting the New Hampshire Retirement System's unfunded accrued liability from one municipality to another. The bill requires that any political subdivision employer who reduces a high-level, retirement system eligible position, such as superintendents, principals, police chiefs, fire chiefs, directors, administrators, and the like, from full-time to part-time will still be responsible to pay the unfunded accrued liability portion of the greatest salary, for that position in the last five years, plus a 20% penalty. The penalty stays in place for 15 years or until the position is restored to full-time status. It came to the attention of the committee that some municipalities have allowed full-time employees to retire and then return as part-time employees while retaining their previous salary. This effectively allows the employer to actualize retirement cost savings at the expense of other employers who will have to absorb the ensuing shortfall. The committee believes that this practice is not only unfair, but it also puts the retirement system in a less solvent position. **Vote 20-0.**

**HB 507-FN**, relative to unauthorized practice in occupational and professional licensing and certification. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill is a crucial step towards recognizing the principle of voluntary interaction between consenting individuals. By allowing unlicensed individuals to provide services in regulated professions as long as they disclose their lack of licensure to their clients, this bill empowers individuals to make informed decisions about the services they receive. Additionally, the bill creates an incentive for existing unlicensed individuals to come forward and disclose their status, which will increase transparency in the market and help prevent fraudulent activity. It's important to note that this bill does not eliminate the need for state licensing in regulated professions. Employers, customers, insurance providers, and other market forces will continue to demand state licensing as a means of ensuring quality and accountability. However, this bill does recognize that individuals should have the freedom to choose whether or not

to engage with licensed professionals and provides a legal framework for unlicensed individuals to provide their services in a transparent manner. This bill allows the state to continue to provide public safety through licensing while not creating protectionism. Passing this bill will promote competition, increase transparency, and empower individuals to make informed decisions about the services they receive. It's time for the New Hampshire legislature to recognize the importance of voluntary interaction between consenting individuals and pass this bill into law.

Rep. Matthew Santonastaso

**Statement in support of Inexpedient to Legislate:** This bill repeals the requirement that individuals need licensure to provide a service as long as they prominently disclose the fact that they are not licensed. Licensure currently is required for professional occupations such as doctors, nurses, therapists, cosmetologists, electricians, plumbers, pharmacists and optometrists to protect the public from harm. Licensure allows the public, who would have little redress otherwise, to address their complaints, and can result in disciplinary actions preventing further harm to the public. Licensure is required for bonding, an important factor in contract performance. Licensure is required for liability insurance protecting the public from injury, performance of service, and fraud. Licensure requires continuing education that assures up to date performance standards by an industry. Most municipalities require licensure for services conducted in the building trades. For these reasons and others, we recommend inexpedient to legislate.

Rep. Jaci Grote

**HB 532-FN**, relative to the licensure and regulation of music therapists. **WITHOUT RECOMMENDATION**  
**Statement in support of Ought to Pass with Amendment:** This bill establishes licensure for music therapists under the allied health professionals. Previous efforts to establish licensure resulted in an unresolved conflict between music therapists and speech pathologists. As amended, the bill is a strong collaboration between both music therapists and speech pathologists that includes the collaboration in diagnosis and treatment plans and the sharing of music therapy plans with speech therapists and audiologists. In testimony, clients who received music therapy, including a veteran, confirmed the benefit of this therapy. This therapy is an out of pocket expense. Licensure would allow the possibility of insurance coverage and allow these professionals the ability to apply for insurance coverage. This bill does not guarantee that this profession be covered but gives it the ability to apply.

Rep. Jaci Grote

**Statement in support of Inexpedient to Legislate:** The committee heard testimony claiming that music therapists need licensing in order to obtain insurance. This would utilize licensing for the reason of accepting insurance, not the reason to protect the patients of music therapy. Moreover, this sets a precedent for more industries to seek licensing for the sole reason of obtaining insurance. Half the committee sees no reason to license music therapists for the sole purpose of obtaining insurance, since music therapists can and do practice in New Hampshire on private pay clients.

Rep. Kimberly Abare

**HCR 2**, relative to condemning recent vandalism and intolerance, as recently levied against places of worship and public spaces, elected officials and against the general citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Abare for Executive Departments and Administration. This resolution is only a declaration that vandalism and intolerance is wrong. It does not provide any action beyond this. The committee heard testimony from its sponsor that the bill was brought about with recent aggression and vandalism against places of worship, elected officials, and general citizens of New Hampshire. The committee sees no reason to enact this bill into law where it does not do anything other than to declare that vandalism and intolerance is wrong, and there are already stronger laws in place to punish vandalism and intolerance. **Vote 13-7.**

**HR 11**, relative to welcoming communities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Simon for the **Majority** of Executive Departments and Administration. At its heart, this resolution expresses an ideal that the majority of the committee hopes the good people of New Hampshire already aspire to; that we would have welcoming communities. The concern of the majority is that the resolution designates the entire month of September as welcoming month and "urges state and local government officials, small business owners, and community members to celebrate the month with appropriate events and activities." First, qualifying what would be an "appropriate" event or activity is subjective and difficult to interpret. What makes one individual feel welcomed can alienate another. Furthermore, using the influence of government to pressure people into distinguishing between and celebrating specific groups can create or deepen divides and resentment, rather than heal them. Regardless of our race, color, or creed it is what we have in common, namely that we are all Americans, and not how we are different, that will bring us together. **Vote 10-9.**

Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. This bill highlights the existing welcoming practices to immigrants adopted in many cities and communities in NH. This encourages communities across the state to recognize the economic and investment opportunities from this population, as well as, the arts and cultural diversity that enriches communities. Embracing diversity and inclusion enhances vibrancy and economic growth in many ways.

## FINANCE

**HB 49-FN-A**, relative to postponing the closure of the Sununu Youth Services Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Erf for Finance. This bill is a backup to previous actions in SB 1 which extended the closing date for the Sununu Youth Services Center. The amendment gives more detail as to the size of the facility aiming at 12 beds, expandable to 18 beds. It also gives more details as to what offenses qualify for detention and incarceration. A standard of care has been used for the younger offenders, which has proved successful in correcting negative behavior. We believe that these changes will allow us to continue to have one of the lowest numbers of incarcerated youth among the states. We hope to continue to help our youth toward being good citizens. **Vote 23-2.**

**HB 50-FN-LOCAL**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan McGuire for Finance. This bill would have spent roughly \$25 million annually by having the state pay 7.5% of the annual employer retirement costs for teachers, police and fire for municipalities. The committee agreed with the purpose of lowering retirement costs for employers, but wanted to provide a long term impact. The amendment changes the bill to spend \$50 million from the general fund to more aggressively pay down the retirement system's unfunded liability. This will lower rates for employers over time, and due to compound interest will result in \$105 million savings to retirement system costs over the next two decades. **Vote 25-0.**

**HB 384-FN-A**, relative to building a new legislative parking garage and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Ebel for Finance. This bill as amended, would appropriate \$25 million to the Department of Administrative Services (DAS) to design, plan and construct a new legislative parking garage and to raze the Department of Justice Building at 33 Capitol Street and the Storrs Street Parking Garage. The Storrs Street garage was built in the 1970s with an anticipated 20-year life span. Now fifty years old, the legislature has put millions of dollars into maintaining the decrepit structure keeping it safe, but it continues to deteriorate. It is fiscally unsound to continue to throw good money after bad. Also, the distance legislators must walk over stony uneven surfaces, particularly in the winter months, is unsafe for many of our members. It is time to tear it down and construct a new parking garage. Similarly, the Department of Justice building, while functional, has never been well-suited for the department. Last year, the legislature appropriated \$9.35 million to DAS for preliminary design, engineering and site work for a legislative parking garage and razing the two structures, as well as costs related to fitting up and moving the DOJ to Granite Place, and its lease. The appropriation would fund continuation of these projects and would be comprised of \$22.5 million in general funds and \$2.5 million as a charge to the special legislative account. As amended, the bill would also create a 7-person joint legislative parking garage oversight commission, including the DAS commissioner or his designee and Senate and House members. Notably, the Speaker of the House and the Senate President may each designate one public member to be commission members. Lastly, as amended, the Capital Budget Overview Committee would become the Capital Project Overview Committee to expand its authority to include oversight of all capital projects, not just those funded through the capital budget. This change is supported by the DAS commissioner and the House Public Works and Highways committee chair. This common sense amendment reflects the necessity for all the state's capital projects to have the same oversight regardless of the source of funds, be they bonded, generally funded or federally funded, which is not currently required by statute. **Vote 22-3.**

**HB 506-FN-A**, relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for Finance. I-93 exit 4-A is a major construction project (over \$100 million) that will make a large area of Londonderry accessible for development, and greatly ease congested streets in Derry. A small part on the project involves the intersection of Derry's rail trail with the new connector road. In the Department of Transportation (DOT) original plan the trail was to go through a tunnel under the road, but this changed during the detailed design phase to a surface crosswalk with signal and an alternative circuitous path under a nearby bridge. This bill would allocate \$750 thousand in general funds to return to the tunnel design. The rail trail both north and south of this location has simple crosswalks without signals, including across the busy Route 28. Therefore, the committee is unwilling to second guess DOT and potentially delay the project. **Vote 22-3.**

## FISH AND GAME AND MARINE RESOURCES

**HB 442-FN**, preventing state resources from being used to enforce lobstering regulations in federal waters and establishing a scuba diver recreational lobster license. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Smith for the **Majority** of Fish and Game and Marine Resources. This bill is about protecting the environment from the degradation of plastic and the indiscriminate killing via derelict ghost lobster traps as well as fulfilling the mission of Fish and Game to preserve, protect and increase the sustainability of the natural resource and their habitats, as well as provide greater access to all of its citizens. The committee heard testimony from the owner of a Maine not-for-profit company that specializes in locating, identifying, removing, and recycling derelict or “ghost” lobster traps from the bottom of the coastal waters in Maine. While this company has successfully removed thousands of these traps already, the estimates are that an additional three million traps remain in Maine waters. New Hampshire with only 18 miles of coastline, the problem of ghost traps is equally troubling. Data supports that two-thirds of all ghost traps in NH waters contain live animals that will die. This carcass now becomes bait for the next creature to be trapped. This is a never-ending cycle. Current law prevents a scuba diver from touching an abandoned ghost trap to release a trapped animal guaranteeing a certain death. This bill would allow scuba divers to release the trapped animals saving thousands upon thousands of these animals. These ghost traps are abandoned at the bottom the ocean. Commercial lobstermen lose about 10% of their traps annually. NH authorizes as many as 110,000 traps per year to fish our waters. This equates to around 1100 additional indiscriminate killing machines known as ghost traps being added every year to the bottom of the ocean. This bill as amended begins a process of cooperation between lobstermen, Fish and Game, and volunteer scuba divers to locate and identify as many of these ghost traps and requiring the reporting of the location in a timely fashion to begin building a database to work from. NH residents who scuba dive are currently permitted to dive for crabs and scallop, however they cannot participate in the sport of lobster harvesting by hand. Every state from Massachusetts to Florida allows lobstering by scuba diver by hand. Evidence submitted clearly shows these programs in other states are working. The amended legislation would allow only 100 licenses with 3 lobsters per license per day to be issued to divers for a minimum 4 week season in designated zones, similar to Wildlife Management Units, as developed by the executive director. Massachusetts currently allows 15 lobsters per day per license. Testimony showed that the catch by hand would equate to .003% of the total lobster catch per year. A number so small it’s insignificant. This bill, if it becomes law, will not only clean up the ocean floor but save thousands of underwater sea creatures and fulfill the mission of Fish and Game to preserve, protect and increase the sustainability of the natural resource and their habitats, as well as provide greater access to all of its citizens. **Vote 13-7.**

Rep. Cathryn Harvey for the **Minority** of Fish and Game and Marine Resources. This bill would establish a scuba diver recreational lobster license. The minority believes that this bill with its many flaws is not ready for prime time. Several RSA’s included in it are misquoted or do not apply. Much of the wording is vague and undefinable. For example, the bill states that the Fish and Game director may establish zones for lobster harvesting, something that is impossible to do underwater. These zones must have accessible parking and should already be frequented by divers. The Fish and Game Director has no authority over town parking and has no way of tracking where divers like to dive. The bill has requirements that are simply not in existence. It states that to obtain a non-commercial license to take lobster, the applicant must have read and understood the NH Guide to E-Regulations. No such E-Regulations exists. Finally, this bill would be extremely costly to NH Fish and Game containing many unfunded mandates such as creating an educational course for lobster taking and an electronic or paper registration system for scuba divers to register their catch. Fish and Game testified that it cannot afford this bill. The minority further believes that the second part of the bill to clean up derelict or ghost traps should be a separate bill. It is concerning that an unidentified person could be authorized to retrieve attached traps. It is also not feasible as stated in the bill that any person who identifies an attached trap shall collect and report the location to Fish and Game. (The minority believes that it is inappropriate for a committee to pass legislation with numerous issues such as the ones listed above.)

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 69**, relative to direct payment and membership-based health care facilities. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill extends the direct pay model currently available for primary care to the operation of health care facilities. The bill would open the door to the possible creation of a sector within the healthcare marketplace that is completely price transparent and potentially attractive to uninsured or self-insured patients. The bill would help bring competition to the health sector, and might expand access by attracting providers desiring to operate in an environment free of the heavy administrative burden created by the all-payer model. Because the uptake rate of direct primary care has been modest, and

the 15-mile exclusion zone defined in RSA 151:4-a is preserved, it is believed that the bill will have no significant impact on the state's critical access hospitals, but that it will provide an opportunity for new modes of healthcare delivery to be explored.

Rep. Mark McLean

**Statement in support of Inexpedient to Legislate:** This bill exempts facilities operating with membership-based or direct payment business models from special health care licensing requirement. It requires that the facility adopt a policy to assure that it provides services to all persons regardless of the source of payment. It is not 'free market competition' if facilities are not required to adhere to the same rules and licensing requirements for the same services. The unintended consequences would be catastrophic for local communities and patients if hospitals with already very tight budget margins were to close which would negatively impact local employment and impeding patient access to timely care. Without a charity care policy in place for all facilities, it would create a two-tiered health care system and place an undue burden on facilities licensed under RSA 151:2 as they maintain the needed and much broader service lines for their communities, while accepting all patients regardless of their insurance coverage or ability to pay. One could imagine going to one of these facilities with a sick child or grandchild at 3 am and seeing a sign outside saying "members only" in addition to being closed. That child would then need to go to the local emergency room of the already financially-stressed local community or county hospital which is open 24/7 and which, by license, is still required to care for all patients. Hospitals across the state would be harmed by this policy as those more highly compensated service lines are eroded. It thus leaves the hospitals to offer all those needed services with much lower payment schedules while still trying to maintain comprehensive services, 24/7, to ALL patients regardless of ability to pay. It will further hurt local hospitals as their workforce is siphoned away to these specialized facilities with potentially more attractive work schedules and higher compensation and which only provide highly reimbursed services. Additionally, any payments made by patients to these facilities will not count towards their insurance deductibles which will only make any future more specialized hospital or multi-disciplinary services more costly to patients on an annual basis. This bill fails to recognize the interconnectedness of the health care system and by cherry-picking only those highly reimbursed services further burdens the taxpayers and the insured to subsidize those licensed facilities that do contract with Medicare, Medicaid or private insurance.

Rep. James Murphy

**HB 114**, relative to the age at which a minor may receive mental health treatment without parental consent. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. Recognizing that many older adolescents either do not have supportive, capable parents and/or are unready to share their emotional struggles with their otherwise supportive parents, this bill allows mature minors, 16 years and older, to independently enter into mental health treatment. This bill excludes the prescribing of medication. It does not address the question of payment, nor does it require clinicians to provide such service. In fact, this bill clarifies what is currently an ambiguous and confusing area in NH statutes. **Vote 11-9.** Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. The minority believes that the best therapy comes with the involvement and support of the family. The minority believes that parents, with some exceptions, are the best advocate for their child and should be a part of this process unless there are extenuating circumstances. The minority appreciates the prohibition of prescribing power without parental consent in the bill.

**HB 238**, relative to the role of quality control and the developmental disability service system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. Recent discussions related to the redesign of the Bureau of Developmental Services (BDS) has resulted in considerable concern and, in some cases, friction between BDS, families, and service providers. This bill will ensure that consumers, families, and service providers through their participation in the Developmental Services Quality Council, are full participants in any future decisions about changes in service provision. **Vote 18-2.** Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. The minority of the committee supports the underlying bill and the majority amendment except section VII which creates an exception to the physical quorum requirement of RSA 91-A. The minority amendment removes this problematic section. RSA 91-A already provides that members of legislative bodies may attend meetings remotely with permission of the chair, but that a quorum must be physically present. Remotely voting is not permitted in current statute. Section VII of the bill as amended by the majority is a slippery slope that we should not venture unto knowing that there exists AI technology that can recreate the image and voice of a person that appears completely real. Hackers, foreign adversaries, and others could use this technology to change legislative outcomes. Although the minority of the committee is sympathetic to the reasons why proponents want this change, we believe any movement toward remote voting in government directly threatens the democratic process.



**HB 299-FN**, prohibiting discrimination in medical care. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. Existing language in the Patients' Bill of Rights provides that "The patient shall not be denied appropriate care on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, source of income, source of payment, or profession." This bill would keep this language, but would add duplicative and potentially confusing language restating the existing prohibitions, and then adding a prohibition against "prioritiz[ing] any care or resource on the basis of alleged historical racial, sexuality or sexual preference, sex, or any intersectional group discrimination." In addition, the bill creates an entirely new private cause of action against an extensive list of individuals and institutions for violation of the restated prohibitions. The majority is concerned that, as written, the bill would interfere with science-based treatment protocols which simply recognize that certain distinct populations have a far higher risk of certain diseases or conditions than do other segments of the population. The majority believes that the language of this new private cause of action is unclear, and that the Patients' Bill of Rights is not the appropriate place to create a new cause of action. Finally, in this time of severe healthcare workforce challenges, it would be counterproductive to pass legislation which makes an already challenging workplace even more hostile, and which might cause health care providers to choose not to come to New Hampshire, or to leave New Hampshire for other states. **Vote 12-8.** Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. The minority believes that this bill removes non-medical reasons for rationing of care. There can be medical reasons for a certain group of people to receive different care, and this is rational and permitted. In one example, a cardiac drug is only available to people of African heritage and because this is based upon clinical data, the minority believes that this is permitted by this bill.

**HB 342-FN**, relative to lead testing in children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances Nutter-Upham for the **Majority** of Health, Human Services and Elderly Affairs. This bill establishes that a blood level test result be included on the physical exam that is required to enter school, child day care, residential care or child placement. This test should be done at least once before a child is six years old. Parents may opt out of this requirement but school and daycare will document that materials citing the dangers of lead poisoning were distributed. This act shall take place effective January 1, 2024 **Vote 11-9.** Rep. Bill King for the **Minority** of Health, Human Services and Elderly Affairs. This bill as introduced and as amended establishes a blood level testing requirement for children entering day care and public schools. The minority believes that this bill is another example of how good intentions can also bring unintended consequences. If this bill passes, more children may be tested for lead levels in their blood which on the surface is good because it will identify children with elevated lead levels in their blood and treatment may be started to reduce the ill effects lead has on the body. However, positive tests will also send notices to the landlords and to the schools these children attend resulting in inspections to identify the places of lead contamination. This could result in the child and their family being removed from their home while the lead is being remediated. This could even shut down an entire preschool or child care facility while remediation takes place. The law already requires these tests and provides parental opt-out. The minority believes that this bill risks disruption of children's lives while housing and childcare facilities are a premium.

**HB 557-FN**, relative to the department of health and human services' rulemaking authority regarding immunization requirements. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** Current statute authorizes the addition of new immunization requirements for children by administrative rule. This bill recognizes that decisions of such gravity ought to be made by the entire legislature and should be afforded a thorough and transparent public debate. The bill would extend the vaccine requirements that presently exist in administrative rules (for varicella, Hepatitis B, and Haemophilus influenza type b) through their expiration in 2026, thereby giving the legislature ample time to consider adding these to statute, with full oversight and decision-making by the entire legislature.

Rep. Jim Kofalt

**Statement in support of Inexpedient to Legislate:** This bill removes the rulemaking authority of the commissioner of Health and Human Services (HHS) on immunization requirements beyond those diseases identified in statute. This bill would take away the necessary flexibility of the commissioner who needs to make real-time decisions regarding public health threats. Removing the commissioner's rulemaking authority may result in a delayed response to imminent threats to the health of New Hampshire's school children and communities. It is important to remember that during the early stages of the Covid pandemic, the legislature did not meet and, without the commissioner's judicious and timely authority to act, the health of our children and communities would have been compromised. The Department of Health and Human Services (DHHS) has stated that it has no plans to mandate a school Covid vaccine and, in fact, the last time that a new vaccine was mandated was 20 years ago. Decisions to add a vaccine requirement are uncommon and made only after extensive discussion with input and with recommendations from subject matter experts in the field of

medicine and vaccine science who have decades of professional expertise. These decisions are NOT made in isolation by the commissioner. DHHS engages all stakeholders, including the public and policy makers, in a very transparent process. Preventing the spread of infectious diseases in our schools and communities is an important public health function best protected by keeping the rulemaking authority with the Commissioner of HHS. The existing statute is appropriate and allows for external and legislative input protecting parental choice and, most importantly, the health of all children enrolled in New Hampshire schools.

Rep. James Murphy

**HB 575-FN**, relative to vaccine and pharmaceutical products purchased, promoted, or distributed by the state and its political subdivisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Murphy for the **Majority** of Health, Human Services and Elderly Affairs. This bill prohibits the state and its political subdivisions from purchasing, promoting, or distributing any vaccine or pharmaceutical product that has not been tested with voluntary, human, clinical trials. This bill will have potentially wide-ranging negative and unintended consequences. Mandating a new clinical trial for the periodically updated flu and pneumococcal vaccines would delay their timely availability for children and adults resulting in increased morbidity. This bill would likely lead to higher patient costs for some childhood vaccines purchased through the Vaccines for Children (VFC) program if NH DHHS were unable to purchase, promote or distribute certain vaccines. Another unintended consequence would be the effect on the FDA provision known as expanded access, or “compassionate care.” Patients with serious or immediately life-threatening diseases would not have access to medical products, including drugs, vaccines and biologics. These are products involved in clinical trials but, in certain desperate situations, can be used under “compassionate use.” Situations involving compassionate care include ALS, muscular dystrophy and certain cancers. Any human clinical trial would be anything but ‘voluntary’ and would be prohibited under federal law and considered unethical, thus including ‘voluntary’ in the bill’s text is unnecessary. This bill would also compromise the ability for those living in congregate settings like correctional facilities, nursing homes and mental health institutions to have timely access to these products. The wording in this bill is vague and its intent is unclear. The unintended consequences would lead to decreased access to vaccines and other therapeutics and likely increase health care costs. **Vote 11-9.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. Advertisements promoting vaccines and other pharmaceutical products should be paid for by the companies that sell them, not by taxpayers. Furthermore, the public should not be left to rely on unproven assertions that a particular vaccine is “safe and effective.” The bill limits its focus to vaccines and other pharmaceutical products that have not been subjected to voluntary, human, clinical trials; such as new COVID boosters that target the BA.5 omicron subvariant. This bill would prohibit the state from purchasing, promoting, or distributing such vaccines or other pharmaceuticals.

**HB 582-FN**, requiring the division of vital records to collect induced termination of pregnancy statistics. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. In its original form, this bill requires providers of induced terminations of pregnancy to collect 15 categories of information about every person seeking to terminate a pregnancy, and to transmit that data, all of it intensely personal, be de-identified on an individual basis, to the NH Division of Vital Records Administration. Part 1, Article 2-b of the NH Constitution, passed in 2018, states that “[a]n individual’s right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.” Much of the information required to be collected has no relevance for the provider with respect to the care provided. Members of the majority believe that government inquiry into the most personal of medical decisions and practices, such as methods of contraception, previous terminations, previous stillbirths and births, how many children born alive still living, marital status from the time of conception to time of termination, educational level, race and ethnicity, and the collection and transmission of that information is an infringement of the right to be free from government intrusion guaranteed in the NH Constitution. Moreover, there is a concern that data may be de-identified and linked to individuals. The amendment offered in committee tied the information collected more closely to that found in the CDC Abortion Surveillance System, which collects data voluntarily reported by the states. We were told that responses to “personal questions” would be voluntary, but the facts remain: first, all of this data is personal, and second, if the data is sought is to be used for statistical and public health purposes, the data would be considerably less useful because it was not complete. Finally, if informing public health decisions is the goal, the majority notes that this kind of information is not collected about other medical treatment, even those treatments which are also intimately entwined with maternal health and childbirth. **Vote 11-9.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill would have New Hampshire join 47 other states which collect data on induced termination of pregnancy. The minority amendment would direct the Division of Vital Records Administration to collect data based on the CDC best practices which are adopted to varying levels across the country and world. Some of these data are more personal than basic data, and this bill provides for these fields to be optional. For many, abortion is a personal

tragedy and the minority believes that allowing the provision of other data which may inform public policy to offer services to avoid the need for abortion services in the future is a worthy effort. This data would make it possible to examine what drives trends in abortion rates to determine what societal factors increase them and which decrease those rates. Children are the future. Increasing rates of abortion are an indication of an unhealthy society. Without knowing how societal and demographic factors correlate with abortion rates, we cannot address the problems in society driving women to choose to terminate pregnancy.

**HB 615-FN**, requiring independent audits of reproductive health care facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. This bill would require reproductive health care facilities that have any financial or geographical connection to facilities that provide abortion services to undergo independent audits by certified public accountants in order to confirm that they are not using state funds to support abortion services in order to apply for state funding. The majority believed that such a requirement would be duplicative, financially onerous, and ineffective. Not only do these organizations already contract for fiscal audits, but previous audits conducted by the DHHS indicated no commingling of funds and were nevertheless roundly rejected by the Executive Council, which is charged with approving such funding. **Vote 13-7.** Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. This bill was offered as a way to address the ongoing concern of the Executive Council that audits currently offered to prove fiscal separation are inadequate. The minority believes that this is an important effort to ensure that family planning dollars serve the intended goal of increasing access to health care services for at risk community members and not funding abortion services.

## JUDICIARY

**CACR 2**, relating to reproductive freedom. Providing that all persons have the right to make their own reproductive decisions. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This measure would place an article on the November 2024 warrant in each city and town, asking voters if the NH Constitution should be amended to insert language stating that “an individual’s right to personal reproductive autonomy... shall not be denied or infringed unless justified by a compelling state interest...” The proposed amendment would require two-thirds support to be adopted. While the proposal would guarantee a full range of reproductive freedoms to all Granite State residents, the most immediate need for this measure stems from the US Supreme Court’s recent *Dobbs v. Jackson* decision. This decision overturned the federally guaranteed right to abortion, established under the *Roe v. Wade* and *Casey* rulings, and instead returned the power to regulate such matters to individual state legislatures. In his concurrence, Justice Thomas also noted that other rights associated with the 14th Amendment’s due process clause, and associated right to privacy, were also subject to such reversal – including the right to access contraception. As such, this vote is unique in state history, in that no basic federally-guaranteed right has ever been rescinded in the past. Passing this measure would uphold the most basic tenets of individual freedom and liberty by directly offering voters the opportunity to restore their previously held right to make these private family reproductive and health decisions without undue government intrusion, as has been the case for the past 50 years. Additionally, the inclusion of “compelling state interest” language means that this does not guarantee unrestricted abortion rights with no potential for constraints, nor does it necessarily place it in conflict with existing state law. Voting in support of this measure also does not directly establish the right of reproductive freedom, but rather sends the question to the voters. It is our citizens who should be the ones to decide if the NH legislature should be allowed to wield this newly delegated power over reproductive decisions going forward, or if this authority should be given back to individuals, families, and their chosen medical providers as a basic right.

Rep. Eric Turer

**Statement in support of Inexpedient to Legislate:** This proposed constitutional amendment would establish a state constitutional right to “reproductive autonomy” and provide that such right could not be denied or infringed “unless justified by a compelling state interest achieved by the least restrictive means.” The committee members opposing the amendment do so primarily for two reasons. First, there is no need for such an amendment because reproductive/abortion rights are not in any way under threat in New Hampshire. The Fetal Life Protection Act (FLPA), enacted in 2021 and amended in 2022, allows unrestricted access to abortion during the first 24 weeks of pregnancy, and provides for exceptions to the post-24 week prohibition in cases of fatal fetal abnormalities or where continuation of the pregnancy threatens to result in serious risks to the life or health of the mother. The FLPA, as it now stands, enjoys widespread public support. Second, the amendment is entirely unspecific in terms of exactly what “rights” it would enshrine in the state constitution and when such rights could be restricted. It would effectively throw the entire abortion debate back to the courts – this time the New Hampshire Supreme Court rather than the U. S. Supreme Court – without giving the court any guidance as to what the citizens do or do not desire when it comes to abortion regulations. For

example, if the proposed amendment were adopted, would the current 24 week abortion restriction be found constitutional because there is a compelling state interest to protect fetal life after that point, or would it not be? The answer obviously would be left to the judges, some of whom might say “yes” and others of whom might say “no.” Adopting this amendment would throw our state courts back into the *Roe v. Wade* quagmire, which, among other things, would very likely mean that future state court judicial nominations in New Hampshire would become as highly politicized as they are at the federal level.

Rep. Bob Lynn

**HB 68-FN**, adopting the uniform real property transfer on death act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katelyn Kuttab for the **Majority** of Judiciary. This bill adopts the Uniform Real Estate Transfer on Death Act. This bill provides a simple process for the non-probate transfer of real estate. It allows a property owner to designate a beneficiary to automatically receive the property upon the owner’s death without probate procedure. It establishes a process to create and file a transfer on death deed with the registry of deeds. Twenty-seven other states and the District of Columbia currently have such statutes. The amendment incorporates all the changes suggested by a group of New Hampshire attorneys who specialize in probate and trust and estates practice. This group has thoroughly vetted the bill, as amended, and is satisfied that it is consistent with the law in other states and that it contains sufficient safeguards to guard against fraud or duress. For example, such a deed is revocable before the death of the transferor; the bill contains provisions requiring a person executing such a deed to have the same mental competency as is required to make a will; and the bill also allows challenges to the transfer on death to be made by interested parties within one year after the death of the transferor or six months after the appointment of an administrator of the transferor’s estate. The majority of the committee feels offering the ability to create such deeds is economical and in the best interests of New Hampshire citizens. **Vote 17-3.** Rep. Rebecca McBeath for the **Minority** of Judiciary. Members in favor of finding this bill inexpedient to Legislate appreciate the hard work on this initiative and are favorable to the concept, however there remains significant concern regarding the impact this version of a Transfer on Death Deed in NH would have on the burgeoning incidents of financial exploitation of elders in New Hampshire. This bill will create a new type of deed in New Hampshire that could be signed by an individual without getting advice from anyone; not a family member, neighbor, or professional, prior to transferring their ownership rights in their home or other real estate to another individual that would be named on the transfer deed. While many states have adopted a transfer on death deed and it can be an important tool in estate planning, this bill does not go far enough to ensure that before an individual signs over the property rights to their home, or any real property, to another person, they have the ability to discuss it with someone they trust, or that they have the capacity to understand what the impact of the action they are taking and the impact it will have on other family members who are not named on the new transfer on death deed.

**HB 88**, relative to reproductive rights. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** In June 2022, the Supreme Court reversed *Roe v. Wade* and held that a fundamental right to an abortion under the federal constitution does not exist. Following the *Roe* decision, the New Hampshire legislature banned access to abortion after 24 weeks of pregnancy, but did not articulate a right to an abortion before 24 weeks. In fact, part of the state’s abortion ban reads: “Nothing in this subdivision shall be construed as creating or recognizing a right to abortion.” RSA 329:49. Put another way, nowhere in our state laws is there an explicit protection for a right to an abortion. This bill resolves this omission: it codifies the right to an abortion before 24 weeks of pregnancy. This bill will align New Hampshire with every other New England state that extends protection to a right to an abortion under state law. It does not alter current abortion restrictions.

Rep. Mark Paige

**Statement in support of Inexpedient to Legislate:** This bill would add a provision to New Hampshire law stating that, except as provided in the Fetal Life Protection Act (FLPA), RSA 329:43 through 329:50 and the Parental Notification Act, RSA 132:32 through 132:36, “the state shall not restrict or interfere with an individual’s exercise of their private decision to terminate a pregnancy.” This proposal adds no value to the existing law because the FLPA allows women the freedom to terminate a pregnancy prior to 24 weeks, and even beyond 24 weeks in cases involving a fatal fetal abnormality or where the life or serious risk to the health of the mother is at stake. At the hearing, there was no evidence suggesting any circumstances where existing law could be read to infringe this right.

Rep. Kristine Perez

**HB 224-FN**, repealing the criminal and civil penalties from the fetal life protection act. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill repeals three sections of the Fetal Life Protection Act, those that establish the criminal and civil penalties for violations which restrict access to abortion procedures after 24 weeks. Everything else in the Fetal Life Protection Act that have not otherwise been repealed remain in effect, including the prohibition against abortion after 24 weeks except in the case of fetal abnormalities

incompatible with life, or a medical emergency in which an abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function..." The NH Board of Medicine, or the relevant board charged with licensing other medical professionals, will continue to enforce medical guidelines and maintain authority to discipline any medical professional who violates guidelines, utilizing a range of actions culminating in the potential removal of the professionals' license to practice medicine. This is similar to the rules of professional responsibility that govern attorneys, and provides no protection from existing criminal or civil law. Intentionally or not, the language that this bill removes has had a deleterious effect on efforts to recruit needed medical professionals to work in New Hampshire. That is an outcome that benefits no one.

Rep. Marjorie Smith

**Statement in support of Inexpedient to Legislate:** This bill would repeal the civil and criminal penalty sections of the recently passed Fetal Life Protection Act (FLPA). It is important to understand that, without these penalties, the termination of the fetus after 24 weeks of pregnancy but before birth would not constitute a criminal homicide. The prospect that a doctor might face some disciplinary action by the medical licensing board does not, in our view, provide sufficient deterrence. More importantly, eliminating civil and criminal penalties would, in effect, create a "special rule" for medical professionals, allowing them to escape civil and criminal responsibility for their actions where no other professionals are accorded similar treatment. In this regard, bear in mind that under the FLPA, a doctor can be criminally prosecuted only if s/he knows that the fetus is beyond 24 weeks gestational age or consciously disregards a substantial risk that the fetus is beyond that age, and also knows that no circumstances exist which would allow for a post-24 week abortion. In short, current law allows a doctor to be prosecuted only if s/he knows that what they are doing is unlawful but chooses to proceed anyway. The arguments advanced in support of repealing the penalties are not persuasive. First, it is claimed that doctors in New Hampshire never perform post-24 week abortions unless there is a fatal fetal abnormality or continuing the pregnancy will endanger the life of, or pose serious health risks to, the mother. Of course, if this is true, then doctors have nothing to worry about because there simply will never be any criminal prosecutions or civil lawsuits brought against them. Second, it is claimed that there can be complex and/or ambiguous situations wherein it may be difficult to determine whether there were legitimate reasons for a doctor to perform a post-24 week abortion. While this may be true, the same complexities or ambiguities can be found in cases in which a lawyer is accused of fraud or a police officer is accused of using excessive force. Yet in these situations, the law provides no exemption from prosecution of these other professionals if they are determined to have knowingly violated the law. Doctors should be treated no differently.

Rep. Bob Lynn

**HB 261**, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** The purpose of this bill is to allow tenants, who are victims of domestic violence/sexual assault/stalking, and their family members to terminate a residential lease agreement with written notice to the landlord. The definitions in the bill are the same as referenced in other statutes. In this bill, a "domestic abuse victim" has the same meaning as "victim of domestic abuse" in RSA 173-B:1. A "sexual assault victim" has the same meaning as defined in RSA 632-A. And a "stalking victim" has the same meaning as defined in RSA 633:3-a. A tenant who provides the landlord with either a copy of a valid order of protection issued pursuant to RSA 173-B (the Protection of Persons From Domestic Violence Act) or documentation evidencing a criminal charge of domestic abuse, sexual assault, or stalking based on a police report reflecting that the tenant or household member, including a child of the tenant, was subject to domestic abuse, sexual assault, or stalking, then the tenant may terminate a residential lease agreement. The tenant, however, must also provide the landlord with written notice stating that the tenant or household member is a victim of domestic violence, sexual assault, or stalking, as well as a written notice requesting release from the lease agreement and a mutually agreed upon release date within the next thirty days. The documentation that the tenant provides to the landlord must be dated no more than 60 days prior to the tenant's notice to the landlord. This bill also allows tenants who have suffered a disabling illness or accident after signing a lease the ability to leave that lease, if the new disability makes the unit inaccessible to the tenant and the tenant has written documentation indicating how, as a result of the disability, the rental property is no longer suitable for the tenant. In either the case of domestic violence/sexual assault/stalking or a disabling illness or accident, the tenant is responsible for rent for the month in which the tenancy is terminates and previous obligations outstanding on the termination date. However, if the tenant has paid a security deposit, it is not to be withheld for the early termination of the lease agreement pursuant to the terms of the bill. The Coalition Against Domestic Violence testified about the need for victims to be able to terminate a lease in order to free themselves from an abusive relationship and have their whereabouts remain confidential.

Rep. Zoe Manos

**Statement in support of Inexpedient to Legislate:** This bill would authorize tenants to terminate a tenancy if they or a household member was a victim of domestic violence or suffers a disabling illness or injury. Portions of the bill are left unclear, undefined and ambiguous. It would allow for termination based upon an ex-parte hearing, without a final hearing, and could dramatically affect the property owner and remaining co-tenants without an opportunity to be heard. In fact, the bill does not address obligations and rights of co-tenants. It creates a conflict in law that absolutely prevents landlords from properly handling co-tenant security deposits. Privacy provisions of the bill create a legal notice conflict and make it impossible to pursue legal action. The disabled person sections of this bill are already covered by federal fair housing law. Landlords already work with victims and those who newly become disabled to accommodate their needs and it is clearly in their best interests to do so. Creating new rights, especially where there has been no showing that problems in these areas arise frequently, creates more opportunity for abuse of the law. All in all, this bill creates far worse legal issues for NH tenants and landlords than the interests it seeks to protect.

Rep. Joe Alexander

**HB 271-FN**, repealing the fetal life protection act. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** Members in support of Ought to Pass on this bill do so based on their objections to both the process in which the language of the Fetal Life Protection Act of 2022 (FLPA) reached the Governor's desk and was signed into law, and to the violation of free choice and the punitive provisions of the Act. We believe the enactment of the FLPA last year marks the first time in 40 years that the government of New Hampshire has infringed on the reproductive freedom of its citizens. We further believe the FLPA also was an anomaly for its provisions that invaded the privacy of discussion of an individual and their medical care provider regarding essential health care decisions. This bill would repeal the FLPA that we believe bypassed the rules of process for House bills by being inserted in the budget bill and signed into law by the Governor, and having nothing at all to do with state funding. This bill would repeal all portions of the FLPA, including the unconscionable provisions that criminalize the frequently ambiguous facts around life and death decisions that medical care providers face when providing medical care to patients. Supporters of Ought to Pass believe strongly that the FLPA should be repealed and proponents of the act will then have the opportunity to introduce this substantive topic that will follow the consideration process outlined in the Rules of the House for all policy legislative initiatives.

Rep. Rebecca McBeath

**Statement in support of Inexpedient to Legislate:** This bill seeks to repeal the Fetal Life Protection Act (FLPA). The current act allows abortion through 24 weeks and beyond in the case of fetal abnormalities incompatible with life or in circumstances where continuation of the pregnancy threatens the life of the mother or risks substantial impairment of her health. The current law gives women the freedom and reproductive liberty to make abortion decisions with their healthcare provider for abortions up to 24 weeks. Repealing this act would allow for abortions beyond 24 weeks, when a baby is viable and could otherwise live outside of the womb. To be clear, repealing this act would make it legal to abort a baby right up until birth. Those recommending Inexpedient to Legislate feel it is unethical to cause the death of a baby who would be viable outside of the womb. Polling data has made clear that the majority of NH citizens are in favor of the law as it stands today.

Rep. Katelyn Kuttab

**HB 562-FN**, requiring informed consent prior to receiving an abortion procedure. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Judiciary. This bill seeks to require "Informed Consent" prior to a woman having an abortion. Based on testimony heard in the public hearing, this is already being done in all facilities where abortion services are being provided in New Hampshire. Although well intended, this bill would likely place additional stress on the woman by requiring her to undergo a battery of discussions regarding psychological and emotional conditions, potential impairment or irreversible damage to a major body function, chemically induced abortions and their associated perils, the risk of infections, and more. The majority of the committee found that this is an additional unnecessary burden to shackle New Hampshire's pregnant women with at a time when they are already under a great deal of stress and pressure. The committee vote of 17-3 supports this position. **Vote 17-3.**

**HB 591-FN**, prohibiting abortions after detection of fetal heartbeat. **INEXPEDIENT TO LEGISLATE.**

Rep. Katelyn Kuttab for Judiciary. This bill seeks to prohibit abortions after the detection of a fetal heartbeat. Medical testimony established that a fetal heartbeat begins around 6 weeks. This is often before many women even realize they are pregnant. The majority of the committee feels the current law giving women the freedom and reproductive liberty to make abortion decisions with their healthcare provider for abortions up to 24 weeks, and beyond in certain limited circumstances, is in alignment with the views of the majority of NH citizens. Enacting this law would create a near total abortion ban. Polling data has made clear that the majority of NH citizens are in favor of the law as it stands today. **Vote 16-4.**

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB 150**, relative to the certification of a collective bargaining unit. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill changes the minimum number of potential bargaining unit members from 10 to 5. If passed, this bill would allow bargaining units to be certified with 5 or more employees in the proposed bargaining unit. This would open the door to collective bargaining for employees who are currently unable to participate due to having fewer than 10 employees in the proposed unit. Committee members who support Ought to Pass believe that making contract negotiations available to more employees would be beneficial to those employees. It was noted that the choice of 10 employees as the current minimum was arbitrary and there is no good reason not to lower the minimum to 5.

Rep. Brian Sullivan

**Statement in support of Inexpedient to Legislate:** The bill will allow for a certification of a bargaining unit of a minimum of five employees. The original law was enacted in 1975 and established a bargaining unit of a minimum of 10 employees. The law was amended in 1983 to include probationary employees in the count. In 2007, a bill to reduce the minimum to 5 failed in the House. In 2008, the minimum required number of employees was reduced to between 3-10, however, the employer did not have to recognize the unit. Finally, in 2011, the number was returned to a minimum of 10. There was only one group that came to argue in favor of the bill. They relayed a story about a group of 6 employees that were unable to create a bargaining unit and had to join another larger unit instead of having their own. The employees were able to join a unit -- just not the one they would have preferred. There is a cost to an employer to create and manage a bargaining unit. The number of 10 was developed to allow smaller groups to still be able to join another unit while not burdening an employer with a number of very small units.

Rep. Lino Avellani

**HB 561**, establishing a committee to examine workforce and school accommodations for those with long-term COVID and ME/CFS. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Prout for the **Majority** of Labor, Industrial and Rehabilitative Services. The bill would create a study committee made up of four State Representatives and one Senator. The committee would examine the workforce and school accommodations for those that suffer from Long-term COVID and ME/CFS (Myalgic Encephalomyelitis/Chronic Fatigue Syndrome). The NH Department of Labor has not had a single complaint about an employer who did not provide a reasonable accommodation as outlined in the Americans with Disabilities Act for an employee who suffers from one of these afflictions. The conversation in the executive committee was more about the existence of these afflictions and what may have caused them and very little about reasonable accommodations. **Vote 12-8.**

Rep. Joshua Adjutant for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the House Labor Committee is opposed to the Motion of Inexpedient to Legislate on this bill. Since March of 2021, we have been told over and over that “we have to learn to live with COVID.” That is what this bill seeks to do. It asks the House to establish a committee to hear from those who suffer from long-COVID as well as medical experts, employers, and all stake-holders to determine how long-COVID interacts with present disability law and if changes are needed. This bill will likely come to the House floor on or around the three-year anniversary of the first reported case of COVID in New Hampshire. This disease is new, and an appropriate amount of time has passed where data could be acquired by the committee on those with long-COVID. As such, the minority supports Ought to Pass.

## LEGISLATIVE ADMINISTRATION

**CACR 4**, relating to compensation for legislators. Providing that legislators’ biennial salary compensation shall be increased. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen Pearson for the **Majority** of Legislative Administration. The majority of the committee heard testimony that the salary compensation for members of the General Court was set by our state constitution in 1889. Many in the State of New Hampshire proclaim pride on having a “citizen legislature.” The majority believes that this bill’s proposed salary level would qualify the legislature as neither a full time job, nor a volunteer institution, and would not increase the quality or quantity of the candidates serving in our legislature. What would increase, however, is the price tag for the General Court to a cost of \$2.3 million annually. It was felt by the majority of the committee that this constitutional change would erode the historical nature of our legislature as a citizen legislature and voted to find the bill Inexpedient to Legislate. **Vote 10-5.** Rep. Stephanie Payeur for the **Minority** of Legislative Administration. In 1889, the NH Legislature set in the NH Constitution that the stipend of a NH legislator would be \$200 for a two-year term. It is our belief that our founders did not intend to keep that amount stagnant for 134+ years. This bipartisan bill adjusts the \$200 stipend from 1889 to the present value in 2023 dollars at \$5,000 for a two-year term (\$2,500/yr; \$3,125/yr for officers). This is reasonable compensation to help address the costs of doing the job of a citizen legislator, and with inflation, the same amount as \$200 in 1889. Members can use the stipend to defray costs of meals, child-

care, lodging, and other costs associated with performing these duties, thus opening the door for more citizens to put forward candidacy. Just as elected officials at the town and city levels receive reasonable stipends for School Board, Selectman, City Councilor, Sewer Commissioner, etc., it is appropriate to adjust the stipend to a modern-day value to reflect the time commitment and expenses incurred while doing the job of a legislator.

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 423**, relative to accessory dwelling unit uses allowed by right. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John MacDonald for the **Majority** of Municipal and County Government. This bill would have increased the number of Accessory Dwelling Units (ADU's) allowed by right from one to two, changed the definition of an attached unit, and increased the maximum square footage of an ADU from 750 to 1000. It would also allow the towns the right to require one unit to meet the definition of workforce housing. The majority of the committee understands the importance of needed housing within our state, however this bill would create a statewide mandate that would override local community control already adopted by municipalities. The committee was not provided with the number of new ADU'S that have been created by the current law to judge the success or need for this legislative change. Lastly, there is currently the House Special Committee on Housing which was established to potentially address the housing shortage within our state. **Vote 14-6.**

Rep. David Preece for the **Minority** of Municipal and County Government. This bill would increase the number of accessory dwelling units allowed by right from one to two, change the attached unit's definition, and increase the maximum square footage from 750 to 1,000. This bill also gives towns the right to require one dwelling unit to meet the purpose for workforce housing. The minority of the committee believes that there is a housing crisis, and this bill, if enacted, would be one of the tools to create more housing. By allowing additional accessory dwelling units on single-family lots, this bill would help create needed low-cost housing for people of all ages, including by allowing homeowners to add in-law apartments, au-pair suites, or spaces for young adults moving home after college or moving into the community to start a new job. Any accessory dwelling unit would have to comply with the municipal zoning ordinances requirements for a single-family dwelling unit and prove that there is adequate private water and sewer capacity to serve the additional accessory dwelling unit.

## PUBLIC WORKS AND HIGHWAYS

**HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer. **OUGHT TO PASS.**

Rep. Sue Newman for Public Works and Highways. This bill would name the section of Route 140 in Gilmanton, from the Belmont Town Line to the intersection with Route 107, the Private First Class (PFC) Nicholas Cournoyer Highway. PFC Cournoyer was a son of New Hampshire, born in Concord, attended school in Gilmanton, and was a 2000 graduate of Gilford High School. He enlisted in the US Army in 2005 and was an Infantryman with the 10th Mountain Division. PFC Cournoyer died in Iraq during Operation Iraqi Freedom on May 18, 2006, at the age of 25, when an improvised explosive device (IED) detonated near his Humvee. PFC Cournoyer's awards and decorations include the Purple Heart, Army Achievement Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and the Combat Infantryman Badge. **Vote 13-0.**

**HB 480**, relative to the intersection between route 302 and East Conway Road in Conway. **INEXPEDIENT TO LEGISLATE.**

Rep. David Milz for Public Works and Highways. The sponsor attempted to alter a planned reconstruction of an intersection at Route 302 and East Conway Road after the town of Conway and the New Hampshire Department of Transportation (DOT) had come to an agreement. The committee knows that the DOT worked with the town, listened to public testimony, presented two intersection alternatives, and the town accepted the proposed intersection improvement. It is our position that the committee should not be involved in choosing one design over another except under extraordinary circumstances. **Vote 15-0.**

**HB 511-FN**, relative to requiring the department of transportation to do road maintenance and repairs according to its complete streets program **INEXPEDIENT TO LEGISLATE.**

Rep. John Cloutier for Public Works and Highways. Although the unanimous bipartisan committee majority does not quarrel with the concept of the Complete Streets Program, it believes the bill as written is problematic for several reasons. First, the bill would "require" towns and cities, among other entities who request maintenance and repair assistance for their roads from New Hampshire Department of Transportation (DOT), to coordinate with the state's Complete Streets Advisory Committee to plan and follow the Complete Streets Program Standards of the National Association of City Traffic Officials. Requiring towns and cities to coordinate with the Complete Streets Advisory Committee as well as plan and follow Complete Street standards would likely be a violation of New Hampshire Constitution Part I, Article 28-a, which forbids mandating



programs upon its political subdivisions without the state fully paying for such programs. Second, according to the bill's revised fiscal note, dated June 30, 2023, the bill as written could result in an "indeterminable" increase in state and local expenditures. This situation could cause more problems for the State Highway Fund which is now in a structural deficit partly because of declining road toll revenues. Third, according to the same revised fiscal note, the New Hampshire DOT has not yet established unit costs that must be associated with such program improvements. Fourth, the Complete Streets Advisory Committee currently does not have available resources to review requests from municipalities who wish to even voluntarily participate in the Complete Streets Program. Fifth, the "one size fits all" approach in the bill as written does not take in to account the diverse transportation needs of our state's over 200 municipalities. **Vote 15-0.**

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 205**, relative to testing private wells. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This bill, as revised by amendment, helps homeowners with private wells in two ways. First, it ensures all new wells are tested for the most common well water contaminants. These tests eliminate the false sense of security arising from inconsistent municipal testing requirements. Second, it adds PFAS to the notifications acknowledged in real estate transactions. This notification helps to inform the public of the potential for harmful levels of PFAS increasingly found in private wells throughout New Hampshire. The amended bill is based on the work of the Seacoast Commission on Long-Term Goals and Requirements for Drinking Water, and was originally introduced in 2020 as HB 667, which passed the House on consent. Key stakeholders, including NH Department of Environmental Services and NH Well Water Association, support the bill with the amendment.

Rep. Will Darby

**Statement in support of Inexpedient to Legislate:** This bill is not ready for passage as written. Testimony from the New Hampshire Board of Realtors suggested the language be altered since current language reads, "most private wells contain harmful contaminants." The realtors went on to state that the NH Department of Environmental Services (NHDES) concurs that it is not accurate that most wells are contaminated. The effective date of this bill was also a concern of the realtors because it did not give them enough time to educate and inform their members. The American Chemistry Council also suggested changes to the wording to align more closely with the current testing and reporting practices under NHDES. NHDES had concerns that the bill establishes that failure to comply with the proposed testing requirements for newly constructed wells would be a violation of RSA 485: New Hampshire Safe Drinking Water Act. Enforcement of the statute would require resources from NHDES. It is important to note that violations would only likely be recognized and addressed on a reactive basis by NHDES in response to inquiries or complaints from the public. NHDES would have no other way to proactively ensure that the required testing occurred based on the provisions in this bill. It is for these and other reasons that half of the committee believes this bill should be Inexpedient to Legislate.

Rep. Robert Harb

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 139**, relative to the definition of "municipal host" for purposes of limited electrical energy producers. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill is a modest expansion of net metering for political subdivisions. Currently, individual cities, towns, school districts, charter schools, and school administrative units (SAUs) can receive the net metering benefit, but only if all the recipients of the energy generated are within the same municipality. This bill would eliminate that requirement so that energy generation projects can be shared across neighboring towns. This is necessary to allow municipalities with sites that can support more generation than they need to benefit from the full capacity of their site, by allowing neighboring towns to enter an agreement to use that energy. The bill also adds housing authorities and other quasi-public entities to the definition of "political subdivisions." The members of the committee supporting Ought to Pass feel that this simple, no-cost change in statute will support localities in their goal of becoming more energy independent. This will also contribute to the development of more distributed generation throughout the state, which is important for grid reliability and resiliency.

Rep. Jacqueline Chretien

**Statement in support of Inexpedient to Legislate:** This bill expands the definition of "municipal host" under the Limited Electrical Energy Producers Act (LEEPA) and removes the requirement that a municipal host be in the same municipality as all group members. Currently, there are ten municipal hosts in the state. This bill expands net metering and raises numerous issues including undefined terms, confusion of political subdivisions, and uncertainty about how it would affect entities like universities and the Pease Development Authority. For example, could a private company become a municipal host by getting multiple incongruous

towns miles apart all over the state to qualify under LEEPA? The Department of Energy was opposed to the bill as written for these reasons. The Public Utilities Commission (PUC) has an open docket to address some of the concerns this bill attempts to fix. An amendment was offered based on the concerns but was rejected. Those on the committee who supported Inexpedient to Legislate feel it is prudent not to legislate action for which there is much uncertainty and to wait for the PUC docket to be completed to see what other action, if any, is needed.

Rep. Douglas Thomas

**HB 142**, relative to the operation of the Burgess Biopower plant. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for the **Majority** of Science, Technology and Energy. With last year's passage of an amended version of SB 271, state government started the clock ticking on a need to address the status of the Burgess Biopower plant in Berlin. In 2010-2011, the utility today known as Eversource negotiated a purchase power agreement (PPA) with a company (Laidlaw, now Burgess) that proposed to build a 70-mega-watt wood-burning electricity generation plant. The plant was envisioned as both an economic boost to a North Country ravaged by economic hard times occasioned by the closure of a large paper mill, and as a way to diversify the state's electricity supply. The PPA received a rigorous review by the Public Utilities Commission (PUC). That review identified risks in the negotiated PPA that could generate negative economic consequences for both parties to the agreement and to the state as a whole. The PUC conditioned its approval of the PPA on a mechanism to limit over-market energy costs to \$100 million and to further provide a way to recover costs that exceeded that limit. In 2017, the limit was fast approaching. Burgess sought relief from the legislature, which offered it in the form of SB 577 in 2017/18 (later augmented by SB 271 in 2022). The result was a PUC order that upon expiration of the grace period provided by SB 577 and SB 271, Burgess would be required to pay back all accumulated over-market energy costs according to the terms of the original PPA. That brings us to today where Burgess has stated that they cannot abide by the PPA terms to pay back \$48 million in over market costs. A Department of Energy financial audit confirms this reality. As amended, this bill eradicates the current \$48 million over-limit accumulated costs and restores the PPA to its original form. This forgiveness will allow Burgess and Eversource to find a way to take action to fix a problematic PPA. **Vote 18-2.** Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. This bill reduces the amount that the Burgess Biomass electricity generation plant owes the ratepayers of Eversource. Prior to construction, Burgess pursued and obtained a purchase power agreement with Eversource. The contract contained a strike price for electricity of \$0.08/kilowatt hour (kwh). Over the 20 year length of the agreement, Eversource would buy the output of Burgess and charge or credit Burgess based on where wholesale electric rates are at the time of purchase relative to the strike price. For example, if 10,000 kwhs were purchased when the wholesale price was \$0.10/ kwh, \$200 would be credited to Burgess. If on the other hand the wholesale price was \$0.06/ kwh, Burgess would be charged \$200. These credits and charges are passed onto the ratepayers. When the net amount owed to the ratepayers exceeds \$100 million, Burgess was supposed to start paying it back. The problem is that the wholesale price has been substantially lower than \$0.08/ kwh most of the time and Burgess now owes the ratepayers almost \$150 million. This bill reduces this amount by \$50 million but would leave the rest of the contract in place. This means Burgess will continue to rack up more and more charges with no plan to pay them off. For example, for January of 2023 which had historically high rates, the average wholesale price was \$0.055/ kwh. When asked at the hearing what was their plan for repaying the ratepayers, Burgess offered no plan. One committee member stated that they will be back next session asking for another bail out. It is time to stop the bleeding. Last year Burgess was given 18 months to come up with a plan, but the only thing offered was more ratepayer subsidies. This bill will lower the amount owed to ratepayers but does not change the main problem, the strike price of \$0.08/ kwh is and most likely will continue to be much higher than the wholesale price and Burgess will continue to rack up more debt with no plan to pay it back.

## WAYS AND MEANS

**HB 486-FN**, relative to vehicle registrations and reciprocal toll collection enforcement agreements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Cyril Aures for the **Majority** of Ways and Means. The sponsor of this bill believes the fines and possible vehicle registration suspension is too severe for habitual toll violators. It is the majority opinion that due to the number of violations required to start the suspension process (10+ violations and on average \$500 +/- in fines), the \$50 fine plus tolls and fees is commensurate. In addition, habitual violators would have received five notifications at 30 days each, totaling a minimum 150 days to settle their accounts. Also, this bill would eliminate NH's reciprocity with Massachusetts, Maine, and other states, eliminating NH's ability to collect tolls and fees from out-of-state habitual toll violators. This would also prevent our neighboring states from also collecting in the same manner. **Vote 18-2.**

Rep. Jordan Ulery for the **Minority** of Ways and Means. This bill would prevent foreign states from using the power of the state to deprive a New Hampshire resident of the ability to register any vehicle due to incurring civil fines associated with toll evasion. Nothing in the bill would prevent civil suits by the turn-pike authority against an evader. The minority disagrees with using the force and power of government to collect a fee.

**HB 510-FN**, relative to removing the exemption for premium cigars from the tobacco tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Rochefort for the **Majority** of Ways and Means. This bill would eliminate the current tax exemption on premium cigars. If the exemption was eliminated, a tax of 65.03% would be imposed on premium cigars. Premium cigars are not like any other tobacco product and enjoy a successful industry in NH. This is in large part due to the current exemption resulting in business from neighboring states that heavily taxed these products. The majority believes that this business would be lost to internet sales if the exemption was lifted resulting in the loss of jobs. **Vote 15-5.** Rep. Richard Ames for the **Minority** of Ways and Means. The minority believes there is no rational basis for the existing exemption of premium cigars from the tobacco tax. Premium cigars, like all other tobacco products, have serious adverse effects on health and economic productivity. According to the written testimony of the NH Public Health Association, "cigar smoking leads directly to a substantial burden of head and neck cancers amongst users." The NH premium cigar tax exemption should be eliminated. Continuing to exempt premium cigars sends the wrong signal.

**HB 607-FN**, relative to the regulation of games of chance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fred Doucette for the **Majority** of Ways and Means. This bill, as amended, makes several housekeeping changes to RSA 287-D, the charity gaming law most requested by the Lottery Commission. The bill also increases the maximum allowable wager from \$10 to \$25, keeping in line with NH Lottery's maximum value scratch ticket, and increases the maximum tournament buy-in to \$2,500. These changes will help to keep NH charitable gaming facilities competitive with surrounding states. The bill makes permanent the current restriction on the number of facilities that can offer historic horse racing; that restriction is currently scheduled to expire on July 1, 2024. Charitable gaming is a cornerstone fundraising tool for hundreds of NH charities, last year raising over \$20 million for charities across the state. The amendment corrected all technical issues identified by the lottery. **Vote 12-7.** Rep. Richard Ames for the **Minority** of Ways and Means. Under current law, licenses to operate historic horse racing gaming machines in New Hampshire may only be held by the gaming operators, fourteen in number according to information presented to the committee, who held charitable gaming operator licenses when gaming with historic horse racing gaming machines was first authorized in 2021. Furthermore, this handful of licensees may only operate historic horse racing gaming machines within the city or town in which the licensee held its license on May 1, 2020. Under current law, these operator and locational limits will sunset on July 1, 2024. After that date, other licensees operating at other locations, if approved by the Lottery Commission, will be free under current law to enter the historic horse racing gaming market. Under this bill, the current law sunsetting the gaming operator limit will be immediately repealed, meaning that the monopoly position held by those original fourteen operators and the limit of those operators' facilities to their respective cities and towns will be maintained without any durational limit. The minority agrees that the law should be revised to enable appropriately limited entry into the historic horse racing machine market. But the arbitrary limits enabled in perpetuity by this bill go too far.

## COMMITTEE MEETINGS

### FRIDAY, MARCH 17

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

9:00 a.m. Regular meeting.

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

9:30 a.m. Budget Work Session - Consumer Advocate.

9:45 a.m. Budget Work Session - Department of Energy.

10:30 a.m. Budget Work Session - Department of Administrative Services.

11:15 a.m. Budget Work Session - Department of Natural and Cultural Resources.

1:00 p.m. Budget Work Session - OPLC Review.

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

10:00 a.m. Budget Work Session.

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

9:30 a.m. Budget Work Session.

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

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

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

9:00 a.m. Regular meeting.

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

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

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

4:00 p.m. Regular meeting.

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

1:00 p.m. Executive Session on **HB 46-FN**, establishing a committee to study replacement of bail commissioners with court magistrates; **HB 74-FN**, relative to an employee's unused earned time; **HB 212-FN-A**, appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances; **HB 230-FN**, directing the department of agriculture, markets, and food to employ an electronic data processing system for all registrations under its purview; **HB 234-FN**, relative to renewable energy credits; **HB 250-FN**, relative to the accidental death benefit payable to a group II member; **HB 272-FN**, increasing chartered public school per pupil funding; **HB 276-FN-A**, establishing the cyanobacteria mitigation loan and grant fund; **HB 300-FN**, prohibiting the disposal of certain food waste; **HB 330-FN-A**, relative to the national guard recruitment incentive program and its funding and rulemaking; **HB 337-FN**, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public; **HB 347-FN**, establishing a superior court land use review docket; **HB 379-FN**, requiring notice be provided to tenants during residential eviction proceedings regarding legal counsel; **HB 462-FN-A**, making an appropriation to the solid waste management fund and targeting food waste reduction and diversion; **HB 504-FN**, relative to the adult parole board and making an appropriation therefor; **HB 519-FN**, relative to establishing a chief information security officer for the department of information technology; **HB 534-FN-A**, relative to water assistance for natural disasters; **HB 576-FN-A-L**, relative to administration of a commercial property assessed clean energy (C-PACE) program in a clean energy efficiency and clean energy district.

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

9:30 a.m. Budget Work Session.

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

10:00 a.m. Budget Work Session

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

9:30 a.m. Budget Work Session.

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

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

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

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

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

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

## TUESDAY, MARCH 21

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

10:00 a.m. Budget Work Session

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

10:00 a.m. Budget Work Session.

### NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION (RSA 126-DD:1), Room 206-208, LOB

4:00 p.m. Regular meeting.

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

10:00 a.m. Full Committee Work Session on *HB 639-FN-A*, relative to the legalization and regulation of cannabis and making appropriations therefor.

## THURSDAY, MARCH 23

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

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

<https://nh-dhhs.zoom.us/j/86820853615?pwd=a1ZCSDdtOWxjVW1GeU5RNTVzM1NaZz09>

Meeting ID: 868 2085 3615 Passcode: 642063

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

## FRIDAY, MARCH 24

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

9:30 a.m. Subcommittee meeting.

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

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

9:00 a.m. Subcommittee meeting.

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

9:05 a.m. Regular meeting.

## MONDAY, MARCH 27

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

9:00 a.m. Organizational meeting.

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

10:00 a.m. Regular meeting.

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

2:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

## TUESDAY, MARCH 28

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

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

**FRIDAY, MARCH 31**

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

9:30 a.m. Regular meeting.

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

11:00 a.m. Regular meeting.

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

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

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

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

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

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

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

**MONDAY, APRIL 3**

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

10:00 a.m. Regular meeting.

**TUESDAY, APRIL 4**

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

5:00 p.m. Regular meeting.

**MONDAY, APRIL 10**

**NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), NHDES, Rooms 110-114, 29 Hazen Drive, Concord**

10:00 a.m. Regular meeting.

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

10:00 a.m. Committee Organizational Meeting.

**FRIDAY, APRIL 14**

**COMMITTEE TO STUDY NEW HAMPSHIRE TEACHER SHORTAGES AND RECRUITMENT INCENTIVES (SB 236, Chapter 150:1, Laws of 2022), Room 101, LOB**

1:00 p.m. Regular meeting.

**FRIDAY, APRIL 21**

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

9:00 a.m. Regular meeting.

**OFFICIAL NOTICES**

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

Rep. Heather Baldwin, Clerk

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This is to notify you that the Public Hearing and Meeting with the Full **Strafford** County Delegation has been scheduled for **WEDNESDAY, MARCH 22, 2023, 7:00 P.M.** The Delegation meets to review Executive Committee recommendations and to adopt final budget for 2023, and to discuss any other business with may legally come before the Delegation. Superior Courtroom II, Justice and Administration Building. The budget must be approved by April 1st, or the Commissioners' Proposed Budget will be in effect. Public access via Zoom: <https://us02web.zoom.us/j/87358759059?pwd=MUdxaWdLWmFzMC9MekVCYmhpN3E5QT09>  
Meeting ID: 873 5875 9059 Passcode: 983548 Dial by your location: +1 646 931 3860 US  
One tap mobile: +16469313860,,87358759059#,,,,\*983548# US

Rep. Peter Schmidt, Chairman

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NOTICE is hereby given that a Public Meeting of the **Strafford** County Legislative Delegation is scheduled to be held **Wednesday, March 29, 2023, at 7:00 p.m.**, with a snow date of Thursday, March 30, 2023 at 7:00 p.m. This change is due to the storm postponement from March 15, 2023 to the March 22, 2023 snow date previously advertised and conflicts with the N.H. House of Representatives schedule. The meeting will be held in Superior Courtroom II, Second Floor of the William A. Grimes Justice and Administration Building, 259 County Farm Road, Dover, New Hampshire, to conduct the following business: Receive Recommendations of the Delegation Executive Committee on Commissioners' 2023 Proposed Budget. Vote on Acceptance of the Amount to be Raised by Taxes on the Strafford County 2023 Budget. Approve Minutes of February 1, 2023 Public Hearing and Meeting. Any Other Business Which May Legally Come Before the Committee. Delegation Members are invited to a dinner before the meeting at 6:00 p.m. in the Court Jester Café courtesy of the Strafford County Commissioners and UNH Cooperative Extension. Please RSVP by noon on Friday, March 24, 2023. The Information and directions may be obtained in advance of the meeting by contacting the Strafford County Commissioners office at 603-516-7100.

Rep. Peter Schmidt, Chairman

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## REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 46, HB 91, HB 246, HB250, HB 269, HB 272, HB 276, HB 282, HB 300, HB 324, HB 327, HB 337, HB 345, HB 379, HB 392, HB 397, HB 429, HB 436, HB 447, HB 449, HB 460, HB 462, HB 463, HB 482, HB 492, HB 511, HB 519, HB 525, HB 527, HB 533, HB 535, HB 537, HB 543, HB 547, HB 548, HB 556, HB 559, HB 560, HB 565, HB 566, HB 571, HB 576, HB 579, HB 582, HB 583, HB 593, HB 598, HB 599, HB 600, HB 605, HB 606, HB 608, HB 612, HB 613, HB 614, HB 615, HB 616, HB 617, HB 618, HB 622, HB 624, HB 628, HB 630, HB 631, HB 639, HB 642, HB 643, HB 648, HB 652, HB 655. SB 38, SB 51, SB92, SB 123, SB 126, SB 164, SB 192, SB 211, SB 215, SB 229.

## MEMBERS' NOTICES

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

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

Rep. Deb Hobson

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There will be a welcoming communities luncheon on March 21, 2023 in the State House cafeteria at \_lunch break. Come meet community members from Nashua, the only city in New England to officially become a welcoming city, and Manchester, Concord, Laconia and other parts of our state who have made these communities their home, contributing to economic development and adding positive cultural flavor to their communities. Enjoy multiethnic food and taste the multi-cultural contribution made to NH. All are welcome to enjoy the festival of cultures and celebrate diversity in our communities.

Rep. Latha Mangipudi

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

Rep. Alexis Simpson

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

Rep. Rick Ladd

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

Speaker Sherman Packard

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

Reps. Jason Osborne and Matt Wilhelm

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## AMENDMENTS

(LISTED IN NUMERICAL ORDER)

### Amendment to HB10-FN (2023- 0917h)

#### Proposed by the Committee on Children and Family Law – r

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

1 Declaration of Purpose. The general court affirms that it is a fundamental right of parents to direct the upbringing, education, and care of their minor children. The general court further finds that important information relating to a minor child should not be purposefully withheld from his or her parents, including information relating to the minor child’s health, wellbeing, and education, while the minor child is in the custody of the school district. The general court further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

2 New Chapter; Parent’s Bill of Rights. Amend RSA by inserting after chapter 169-H the following new chapter:

#### CHAPTER 169-I PARENT’S BILL OF RIGHTS

169-I:1 Short Title. This chapter may be cited as the Parent’s Bill of Rights.

169-I:2 Definitions. In this chapter:

I. “Parent” means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

II. “Minor” means a person under the age of 18 years.

III. Notwithstanding a compelling reason to infringe upon the rights of parents, the concept of in loco parentis and any interpretation and application thereof shall not infringe upon the natural and statutory rights of parents as recognized in existing law or by adoption of this statute.



169-I:3 Infringement of Parental Rights Prohibited. The state; any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit; any other governmental entity; or any other institution, may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health care of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

169-I:4 Parental Rights.

I. Parents and guardians have multiple statutory rights to direct the education and care of their minor children. These rights are reserved to the parents in this state without obstruction or interference from the state; any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit; any other governmental entity; or any other institution, notwithstanding a compelling state interest that necessitates the termination, limitation, or restriction of these rights. These rights include, but are not limited to, the following:

- (a) The right to direct the upbringing and the moral or religious training of their minor child.
- (b) The right to direct the education of their minor child, including the right to choose to enroll their child in their assigned resident public school, a public charter school, an approved nonpublic school, home education program, or education freedom account program, per RSA 193:1 and RSA 194:F:1, et seq.
- (c) The right to request their child be enrolled in a public school other than the public school assigned to them by their residence to avoid a manifest educational hardship, per RSA 193:3.
- (d) The right to enroll their child in a private school, including a religious school, a home education program, or other available options, as authorized by law, as an alternative to public education, per RSA 193:1 and RSA 194:F-1, et seq.
- (e) The right to obtain access for their child in public curricular courses and co-curricular programs offered by the local school district where the student resides while choosing to enroll their child in a non-public public chartered, home education or education freedom account program, per RSA 193:1-c; RSA 194-F:2, II (d).
- (f) The right to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional materials within a reasonable period of time after the request is received, per 20 U.S.C. section 1232h, (c)(1)(C).
- (g) The right to exempt their minor child from immunizations per RSA 141-C:20-a and 141-C:20-c.
- (h) The right to exempt their public-school student from participating in the required statewide assessments (English language arts, mathematics, and/or science), per RSA 193-C:6.
- (i) The right to receive information regarding the level of achievement and academic growth of their child in each of the state academic assessments (English language arts, mathematics, and/or science), per Every Student Succeeds Act, Section 1112 (e)(1)(B)(i).
- (j) The right to opt out of health or sex education under RSA 186:11, IX-b and any other objectionable material under RSA 186:11, IX-c.
- (k) The right to access and review all education records relating to their minor children within 14 days after the day the school receives a request for access pursuant to RSA 189:66, IV and 34 C.F.R. section 99.5.
- (l) The right to be promptly notified if a criminal offense has been committed against their minor child, unless the criminal activity was a simple assault involving students in kindergarten through grade 12, per RSA 193-D:4.
- (m) The right to be notified whenever seclusion or restraint has been used on the child, per RSA 126-U:7.
- (n) The right to be informed of the school district's policy regarding discipline policies and procedures, per RSA 193:13.
- (o) The right to be advised of any non-academic survey or questionnaire to be administered to students and the requirement that the parent consent to a child completing such a survey or questionnaire and the right to opt their child out of the Youth Risk Behavior Survey developed by the Centers for Disease Control and Prevention, per RSA 186:11, IX-d.
- (p) The right to make health care decisions for their minor child, unless otherwise prohibited by law. This right includes decisions pertaining to end-of-life treatments and care for a child with a terminal condition. Additionally, this right includes the right to obtain multiple medical opinions and select the appropriate course of treatment for their children. Obtaining additional medical opinions or refusing a particular recommendation shall not of itself constitute medical negligence.
- (q) The right to be physically present at any health care facility licensed pursuant to RSA 151:2 at which their minor child is receiving hospital care.
- (r) The right to access and review all medical records of his or her minor child, unless prohibited by law; if the parent has been convicted of any crime against the minor child; or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency has requested of the applicable court that the information not be released.
- (s) The right to consent in writing before a biometric scan of their minor child is made, shared, or stored, pursuant to RSA 189:65 and RSA 189:68.

(t) The right to consent in writing before any record of their minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.

(u) The right to consent in writing before the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit; and pursuant also to the provisions of RSA 189:68, III- V, makes a video or voice recording of their minor child unless such recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or other investigation by the bureau of child protective services or is to be used solely for the purpose of a safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles.

(v) The right to be informed of, and provide consent to, any medical procedure to be performed on their minor child, pursuant to RSA 132:34, RSA 141-C:18, and notwithstanding any emergency medical treatment.

(w) Right to be informed, upon inquiry, if their child is being called by any name other than the name under which the child was enrolled in the school.

(x) Right to be informed, upon inquiry, if the child is being identified by any gender identity or pronouns other than that with which the child was enrolled.

(y) Right to know, upon inquiry, what extracurricular activities, clubs, or organizations their child is participating.

II. Federal law provides for additional parent and family involvement for schools that are receiving Title I, Part A; Title I, Part C (migrant); Title III, Part A (EL) funds, including:

(a) The right to receive information, including student reports, in an understandable and uniform format and to the extent practicable, in a language that parents can understand, per Sections 1112(e)(4); 1114(b)(4); 1116(e)(5); and 1116(f).

(b) Upon request of the parent, the right to receive information regarding state qualifications of the student's classroom teachers and paraprofessionals providing services to the child, per Section 1112(e)(1)(A) (i-ii).

(c) The right to receive an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency, per Section 1111(h)(2)(A-B)(i-iii).

(d) The right to request that a student's name, address, and telephone number not be released to military recruiters without prior written consent by the parents.

III. This section does not:

(a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;

(b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity.

IV. An employee of the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, or any other governmental entity that coerces a minor child to conceal a violation of this chapter from his or her parent shall be subject to disciplinary action.

V. A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter does not prescribe all rights to a parent of a minor child in this state; however, only violations of rights listed in this chapter are subject to enforcement. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied.

VI. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). Per 20 U.S.C. section 1232g and 34 C.F.R. Part 99.

169-I:5 School Board Notification of Parent's Rights.

I. Annually, schools shall provide parents with written notice of their rights under the Family Educational Rights and Privacy Act ("FERPA rights"). The school may provide this written notice using its choice of method or methods, such as, but not limited to, publishing a notice in a student handbook, sending a notice to parents via mail, posting in a local newspaper, posting in a central location in the school, or posting on the school website.

II. Additionally, at the beginning of each new school year, schools shall provide to parents a printed copy of RSA 169-I:4.

III. Parents (including a non-custodial parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian) may see their child's education records unless the school has been given a divorce decree or other legal document that specifically revokes these rights. For the purposes of this section, the term "education records" means those records, files, documents, and other materials which: (a) contain information directly related to a student; and (b) are maintained by an educational agency or institution or by a person acting for such agency or institution except for those specifically excluded in Family Educational Rights and Privacy Act. Per 20 U.S.C. section 1232g.

**169-I:6 Parental Consent for Health Care Services.**

I. Except as otherwise provided by law or a court order, a health care practitioner or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services, or prescribe or provide medicinal drugs to a minor child without first obtaining written parental consent.

II. Except as otherwise provided by law or a court order, a health care provider may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

III. This section does not apply to services provided by a clinical laboratory, unless the services are delivered through a direct encounter with the minor at the clinical laboratory facility.

IV. This section does not apply to emergency services pursuant to RSA 153-A:18.

IV. A health care practitioner or other person who violates this section is subject to disciplinary action, and such a violation constitutes a class A misdemeanor.

**169-I:7 Violations.**

I. Any parent claiming violation of any provision of this chapter may, upon failure to find relief through lesser means, bring an action for injunctive relief and damages against the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit; any other governmental entity; or any physician, clinician, therapist, or counselor that the parent claims has knowingly violated this chapter in the superior court with jurisdiction over the entity accused of the violation. If the court finds in favor of the parent, it may award to the parent his or her reasonable attorneys' fees and court costs, including such attorneys' fees and court costs on appeal to the state's supreme court.

II. Any teacher or administrator with certification to teach found guilty of knowingly violating any section of this law on multiple occasions shall be found guilty of class A misdemeanor and have his or her teaching credentials suspended for a minimum of one year. A school employee that is not a teacher shall be placed on unpaid leave for the remainder of the school year for a first offense or have employment terminated for multiple offenses. Any contractor or third party employed by the school that violates any section of this bill shall be fined \$2,500 and be restricted from any further access to all schools in the state for one year for a first offense and fined \$5,000 plus permanent restriction from all schools in the state for additional offenses.

III. Any medical or mental health professional found guilty of knowingly violating any portion of this law shall be found guilty of a class A misdemeanor and have their license suspended for a minimum of one year for a first offense and permanently revoked for multiple offenses.

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

**Amendment to HB 42-FN  
(2023- 0286h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

Amend the bill by replacing section 1 with the following:

1 New Section; Voluntary Corporations and Associations; Homeowners' Associations. Amend RSA 292 by inserting after section 8-l the following new section:

292:8-m Homeowners' Associations.

I. For any homeowners' association established under this chapter, except those associations that include ownership through timeshare, if more than 50 percent of the votes are acquired by a single person after developer control is terminated, a 2/3 majority shall be required to amend bylaws, budgets, and any contracted property management service.

II. No homeowners' association constituted under this chapter and approved by the planning board or similar land use body that has jurisdiction in the town or city in which the homeowners' association is located, shall be dissolved pursuant to the procedure in RSA 292:9 or RSA 292:10-a, prior to a hearing under RSA 676:2 before that same planning board or land use body.

**Amendment to HB 49-FN-A  
(2023- 0892h)**

**Proposed by the Committee on Finance - r**

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

1 Statement of Findings. The general court finds that:

I. Placement in corrections settings can be harmful to children and lead to increased delinquency and adult criminal behavior. It should therefore be reserved for those circumstances in which the safety of a child or of the community requires such confinement.

II. Placement of children who are not serious violent offenders in settings other than the Sununu youth services center (SYSC) complies with The Families First Act, P.L. 115-123, and the New Hampshire system of care established pursuant to 2019; 44 (SB 14), which prioritize community-based treatment of children.

III. Placement of children in corrections settings outside the state of New Hampshire undermines effective treatment. This act is in furtherance of these goals.

2 Department of Health and Human Services; Sununu Youth Services Center; Construction and Operation of a Replacement Secure Facility.

I. The department of health and human services shall be responsible to construct a secured treatment facility to replace the current Sununu youth services center (SYSC). The capacity of the facility shall be determined using data-driven analysis of SYSC residential trends, state demographics trends and regional trends in juvenile involvement in violent crime and organized crime. In no case shall the facility exceed a physical capacity of 18 beds with a plan to operate 12 beds. The department shall consult with the community selected for the location and operation of any new facility, as well as any municipality bordering the selected community. The department shall, to the extent practicable, implement any reasonable requests by the communities to ensure the safe operation of the facility, implement a payment in lieu of taxes arrangement to prevent the shifting of costs to local taxpayers, and ensure co-operation with the prospective community.

II. The facility shall not be administered by any non-governmental entity. The facility shall be owned, administered and operated by the department of health and human services with support and shared services contracts as appropriate. The facility shall be designed to meet the unique needs of youth who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24, transfer to superior court; RSA 169-B:32 or RSA 651:17-a, service of adult sentence of incarceration at the youth development center; and RSA 169-A, the interstate compact on juveniles. Upon opening, the facility shall be referred to as the juvenile treatment center (JTC) as identified in RSA 169-B and RSA 621. The facility shall have the capability for alternative flexible use when the census so permits. The facility shall not admit children other than those specified in this section.

III. The facility and program shall be designed to include:

(a) A physical design that complements therapeutic and trauma-informed care of children, including a home-like interior and exterior to the maximum extent practicable.

(b) Staff visibility and proximity to children, including administrative offices built within the secured facility in proximity to children and staff, to the maximum extent practicable.

(c) Capacity to provide services to meet the medical, physical, and behavioral health needs of all potentially eligible residents if appropriate for the child.

(d) Space for no more than 18 beds, including space with flexibility to meet the need for safety and security, crisis stabilization, admissions, and discharges for all children. The operational support plan shall be funded for 12 residents.

(e) Adequate space to meet the educational needs of all children including children with special education needs, while using virtual educational support services if appropriate for the child.

(f) Adequate space for indoor and outdoor recreation.

(g) Capacity to meet the nutritional needs of all children.

(h) Necessary elements to be architecturally secure and equipped with video surveillance in compliance with RSA 169-B:15-c.

(i) Operations may utilize virtual and shared services when consistent with the child's education or treatment plan and appropriate to effectively meet the needs of a particular child or children.

(j) Staffing ratios which shall not exceed those supported by national accrediting bodies.

(k) Strategic downsizing considerations as published in the Council of Juvenile Correctional Administrators Toolkit: Facility Closure and Strategic Downsizing of Juvenile Justice Systems by the Council of Juvenile Justice Administrators (2018).

IV. The facility programming and operations shall include:

(a) The development of staff qualifications and standard job descriptions comprising required licensing or skill attainment. Staff qualifications shall be designed to ensure the provision of treatment to children with behavioral health challenges through the implementation of trauma informed care. Job description requirements, where appropriate shall include self and group protection, training in trauma informed care to address challenging behaviors, including the use of de-escalation techniques.

(b) Use of evidence-based practices, as defined in RSA 170-G:1, V-a, selected to match the needs of the population served at the facility.

(c) Utilization of the uniform assessment, as specified in RSA 170-G:4-e, for all detained and committed youth to understand treatment needs and determine if a different level of care is indicated to meet the youth's needs, and where problem behavior appears patterned, a functional behavior analysis to inform effective behavioral interventions.

(d) Provision of care management services by a care management entity, as established in RSA 135-F:4, to begin immediate wraparound support upon admission to plan for discharge.

(e) Provision of frequent visitation opportunities with family, opportunities to include family in appropriate activities and daily access to family through telephonic or video conferencing.

(f) Provision of educational programming and staffing that meets the individualized educational needs of each child, including children with special education needs, creates meaningful educator-child pairings, maintains connections with sending school districts, and which includes availability of Hi-SET preparation and testing as appropriate. Virtual educational opportunities shall be leveraged appropriately to help meet the residents' needs.

(g) Integration of clinical sessions and recreational large muscle movement activities throughout the day.

(h) Access by the office of the child advocate, in real-time, as established in RSA 21-V:4, II, to the electronic case management system used by the facility, regular access to youth placed in the facility under RSA 21-V:4, III, and video surveillance and general access to the facility pursuant to RSA 21-V:2, VII.

(i) Provision of adequate security to maintain the safety of staff and residents as well as the safety of the surrounding community and the general public.

(j) Training that emphasizes the treatment of youth with behavioral health challenges using approaches that include the employment of de-escalation techniques and that recognizes the risk that children may have considerable trauma histories, and that is otherwise applicable to the facility.

(k) Procedures for supporting children in the community with flexible assignments based upon census changes.

V. The department of health and human services shall begin to implement the programming changes in subparagraphs IV(a) through (k) without regard to whether children are at the SYSC or the new facility as soon as reasonably practicable.

VI. The department of health and human services shall submit quarterly progress reports to the joint legislative oversight committee on health and human services, established by RSA 126-A:13, and to the office of the child advocate established under RSA 21-V beginning no later than 60 days after the passage of this act, until such time as the facility is operational. Each quarterly report shall include a statement indicating whether the reported progress is sufficient to meet the accepted completion deadline for the opening of the facility. In the event that sufficient progress to meet this deadline has not been made, the progress report shall include the reasons for any projected delay in meeting the deadline, a description of the efforts being undertaken to minimize any delay in the development and opening of the facility and projected completion date. In addition, the quarterly progress reports shall include the following information:

(a) Progress towards retaining an architectural consultant to design the plan for the facility;

(b) Progress towards completion of the design for the facility;

(c) Progress towards contracting with the company that will construct the replacement facility;

(d) The anticipated date construction of the replacement facility will be completed; and

(e) The anticipated date by which the replacement facility will be operational.

VII. The governor and council, using the final report of the commission established in RSA 169-B:48, shall exercise the decision to finalize the capacity and site selection of the replacement center in consultation with the senate president, speaker of the house, and the affected community.

VIII. The governor, with the approval of the fiscal committee of the general court, may delay the project completion date for construction delays or other unforeseen circumstances provided any such delay be no more than one year.

3 Sununu Youth Services Center; Architect Procurement. Amend 2023, 1:4 to read as follows:

1:4 Department of Health and Human Services; Sununu Youth Services Center; Construction and Operation of a Replacement Secure Facility. The department of health and human services, in collaboration with the department of administrative services, shall issue a request to procure a qualified architect ~~on or before March 1, 2023~~ **within 60 days of the effective date of this act**, and shall collaborate to issue a request for proposals for a contractor to build the resulting construction project **on a time line supporting the use of American Rescue Plan Act of 2021, Public Law 117-2 funds or any other federal funds**. The SYSC shall immediately be closed for detention or admission of any child when a replacement facility is sufficiently completed that children can be legally and safely housed there.

4 Possession and Relinquishment of the Sununu Youth Services Center (SYSC). As of the date of the opening of the youth development center set forth in section 2 of this act, and notwithstanding RSA 4:40, the department of administrative services shall take possession of the entire property currently housing the SYSC on South River Road in Manchester, New Hampshire. The department shall relinquish the property and any revenues received shall be deposited in the general fund. The department shall consult with the city of Manchester, the New Hampshire department of business and economic affairs, and other organizations, as appropriate, prior to any sale of the property. In relinquishing the property, the return of the property to an entity that will enhance the tax and business tax rolls of the city of Manchester and the state of New Hampshire shall be a high priority. Any relinquishment of the SYSC shall be approved by the governor and council.

5 Appropriation; Construction and Operation of a Replacement Secure Facility. The sum of \$21,600,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the design and construction of the new secured youth development facility, as described in section 2 of this act. Such funds shall prioritize use of federal funds, be nonlapsing and continually appropriated to the department for the purposes of this act, and shall not be transferred or used for any other purpose. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

6 Juvenile Treatment Center; Forecasted Operating Budget of a Replacement Facility.

I. The operating budget of the juvenile treatment center shall be designed to be commensurate with the average cost per child to operate a similar juvenile facility in New England.

II. On at least a biennial basis, the operating budget of the juvenile treatment center shall be adjusted based on the average census for the previous biennium.

7 New Paragraphs; New Hampshire Youth Development Center; Administration. Amend RSA 621:1 by inserting after paragraph III the following new paragraph:

IV. In furtherance of the creation of a trauma informed care treatment environment, the director of the replacement facility shall possess at least the following qualifications:

(a) An advanced degree in clinical practice of psychology, nursing, social work, or medicine;

(b) Experience in the implementation of trauma informed care in congregate settings; and

(c) Experience in trauma informed care of juveniles.

8 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. Amend RSA 169-B:14, II(e) (3) to read as follows:

(3) Secure detention shall not be ordered for delinquency charges which may not form the basis for commitment under RSA 169-B:19, I(j) **or RSA 169-B:19, I(m)**.

9 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. Commitment under this subparagraph may only be made following written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community, and may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may not be based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the proceedings from which the contempt arises. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, or administrative release to parole pursuant to RSA 621:19, **or administrative release consistent with the cap on youth development center population**, provided that the appropriate juvenile probation and parole officer is notified. Commitment under this subparagraph shall ~~[not be ordered as a disposition for a violation of RSA 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult. However, commitment may be ordered under this subparagraph for any offense which would be a felony or class A misdemeanor if committed by an adult if the minor has previously been adjudicated under this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.]~~ **only be ordered as a disposition for:**

**(1) First degree murder, second degree murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, burglary while armed or involving the infliction of bodily harm under RSA 635:1, II, or arson punishable as a felony; or**

**(2) Pursuant to a plea agreement entered into by a minor with consultation of counsel, and the court makes express findings that this disposition is in the best interest of the minor.**

10 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (l) the following new subparagraph:

(m)(1) Notwithstanding the provisions of RSA 169-B:19, I(j), a court may commit the minor to the custody of the department of health and human services for the remainder of minority if the minor is found delinquent:

(A) For an offense which would be a felony if committed by an adult; or

(B) For any offense which would be a felony or class A misdemeanor if committed by an adult, if the minor has previously been adjudicated under this chapter for at least 3 offenses within the previous 12 months, which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court.

(2) In utilizing subparagraphs (1)(A) or (B), the court shall first find that there is no placement or set of supervision and treatment services other than secure confinement that will protect the public from a substantial risk of serious bodily injury or substantial risk of felony property crime. A court's finding pursuant to this subparagraph shall only be sufficient to support secure confinement if it is made by clear and convincing evidence following either a stipulation by the parties or an evidentiary hearing wherein the court considers reliable evidence. Further, the court's findings shall include written, case-specific findings which identify the evidence relied upon and the basis for the determination that secure confinement is necessary. Commitment under this subparagraph may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified.

11 Youth Development Center; Department's Duties. Amend RSA 621:12, III to read as follows:

III. The commissioner shall provide a quarterly report to the fiscal committee of the general court of the average daily census, [and] the estimated monthly cost per resident at the Sununu youth services center, including those funds used from accounting units not directly associated with the Sununu youth services center, ***highest level of charge for each commitment or detention, and the recidivism rate for the facility.***

12 New Paragraph; Delinquent Children; Definitions. Amend RSA 169-B:2 by inserting after paragraph XV the following new paragraph:

XVI. "Trauma informed care" means a program, organization, or system that realizes the widespread impact of trauma and understands potential paths for recovery, recognizes the signs and symptoms of trauma in clients, families, staff, and other individuals involved with the system, and responds by fully integrating knowledge about trauma into policies, procedures, and practices and seeks to actively resist retraumatization. Trauma informed care also follows the following principles: safety, trustworthiness and transparency, peer support, collaboration and mutuality, empowerment, voice and choice, and cultural, historical, and gender issues.

13 Applicability. RSA 169-B:19, as amended by sections 7 and 8 of this act, shall apply to cases pending as of the effective date of this act in which a dispositional order has not yet been ordered.

14 Effective Date.

I. Sections 8 and 9 of this act shall take effect 60 days after its passage.

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

2023-0892h

#### AMENDED ANALYSIS

This bill sets parameters for the construction and operation of a new youth secure facility to replace the Sununu Youth Services Center (SYSC), makes an appropriation thereof, sets forth requirements around the disposition of the current SYSC property, and amends the law surrounding the dispositional hearings of delinquent children.

#### **Amendment to HB 50-FN-LOCAL (2023- 0977h)**

#### **Proposed by the Committee on Finance – r**

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

AN ACT relative to an appropriation for the unfunded accrued liability of the New Hampshire retirement system.

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

1 Appropriation; New Hampshire Retirement System; Unfunded Accrued Liability. The sum of \$50,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the New Hampshire retirement system. Said appropriation shall be used by the New Hampshire retirement system to pay down the unfunded accrued liability and shall not be used for any other purposes. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect June 30, 2023.

2023-0977h

#### AMENDED ANALYSIS

This bill makes an appropriation to the New Hampshire retirement system to pay down the unfunded accrued liability.

**Amendment to HB 56  
(2023- 0772h)**

**Proposed by the Committee on Environment and Agriculture – r**

Amend the introductory paragraph of RSA 149-M:9, XVI(a) as inserted by section 2 of the bill by replacing it with the following:

XVI.(a) The department shall establish a site-specific setback distance for any proposed new landfill from any perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI. The setback distance shall be sufficient to prevent any contaminated groundwater at any part of the actual solid waste disposal area from reaching any perennial river, lake, or coastal water of New Hampshire within 5 years. The department shall not issue a license to any facility with a footprint that overlies a significant sand and gravel aquifer. The setback distance shall be calculated as follows:

Amend RSA 149-M:9, XVI(c)-(d) as inserted by section 2 of the bill by replacing it with the following:

(c) Nothing in this paragraph shall be construed to prohibit the expansion or modification of any landfill facilities on any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully permitted and that is actively accepting waste. For the purposes of this paragraph, the term “site” shall mean a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one or more public utility easements traverse the site; perennial water bodies traversing a footprint shall still be monitored in accordance with or exceeding United States Environmental Protection Agency regulations and guidelines.

(d) The department may adopt rules under RSA 541-A to allow for the use of project improvement allowances that may enable a project to meet the minimum 5-year setback, even if it is located less than the 5-year distance-of-travel estimate from a surface water body. One or more allowances, of one additional year each, may be added to the calculated travel time, based on specific additional control technology, monitoring programs, or funding guarantees that the department believes may increase the effective safety of the project. In no case, however, shall any one project receive more than 3 additional years added to its calculated travel time. No allowances shall be given for a site where any measurement made of in-situ soils within the property has an undisturbed hydraulic conductivity greater than or equal to  $1 \times 10^{-5}$  centimeters per second.

**Amendment to HB 68-FN  
(2023- 0436h)**

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

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

1 New Chapter; Uniform Real Property Transfer on Death Act. Amend RSA by inserting after chapter 563-C the following new chapter:

CHAPTER 563-D

UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT

563-D:1 Short Title. This chapter may be cited as the Uniform Real Property Transfer on Death Act.

563-D:2 Definitions. In this chapter:

I. “Beneficiary” means a person that receives property under a transfer on death deed.

II. “Designated beneficiary” means a person designated to receive property in a transfer on death deed.

III. “Joint owner” means an individual who owns property concurrently with one or more other individuals with a right of survivorship. The term includes a joint tenant. The term does not include a tenant in common.

IV. “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

V. “Property” means an interest in real property located in this state which is transferable on the death of the owner.

VI. “Transfer on death deed” means a deed authorized under this chapter and intended to transfer property upon the death of the transferor.

VII. “Transferor” means an individual who makes a transfer on death deed.

563-D:3 Applicability. This chapter applies to a transfer on death deed made on or after the effective date of this chapter by a transferor dying on or after the effective date of this chapter.

563-D:4 Nonexclusivity. This chapter does not affect any method of transferring property otherwise permitted under the law of this state.

563-D:5 Transfer on Death Deed Authorized. An individual may transfer property to one or more beneficiaries effective at the transferor’s death by a transfer on death deed.

563-D:6 Transfer on Death Deed Revocable. A transfer on death deed is revocable even if the deed or another instrument contains a contrary provision. Notwithstanding the foregoing, this act shall not preclude legal or equitable relief in the event the transferor repudiates a promise not to revoke a transfer on death deed.

563-D:7 Transfer on Death Deed Nontestamentary. A transfer on death deed is nontestamentary.



563-D:8 Capacity of Transferor. The capacity required to make or revoke a transfer on death deed is the same as the capacity required to make a will, as such standard is articulated in RSA 551:1.

563-D:9 Requirements. A transfer on death deed is void unless it:

- I. Meets the requirements set forth in RSA 477:3;
- II. Bears the title 'Transfer on Death Deed';
- III. States that the transfer to the designated beneficiary is to occur at the transferor's death; and
- IV. Is recorded:
  - (a) Prior to the transferor's death;
  - (b) Within 60 days following the date of execution; and
  - (c) At length in the registry of deeds for the county or counties in which the real estate lies.

563-D:10 Notice, Delivery, Acceptance, Consideration Not Required. A transfer on death deed is effective without:

- I. Notice or delivery to or acceptance by the designated beneficiary during the transferor's life; or
- II. Consideration.

563-D:11 Revocation by Instrument Authorized; Revocation by Act not Permitted.

I.(a) Subject to subparagraph (b), an instrument executed with the formalities of a deed pursuant to RSA 477:3 is effective to revoke a recorded transfer on death deed, or any part of it, only if the instrument:

(1) Is one of the following:

(A) A transfer on death deed that revokes the deed or part of the deed expressly or by inconsistency;

(B) An instrument of revocation that expressly revokes the deed or part of the deed; or

(C) A deed that expressly revokes the transfer on death deed or part of the deed; and

(2) Is acknowledged by the transferor after the acknowledgment of the deed being revoked and is recorded at length in the registry of deeds for the county or counties in which the real estate lies by the earlier to occur of:

(A) Sixty days from the execution of the instrument; and

(B) The transferor's date of death.

(b) If a transfer on death deed is made by more than one transferor:

(1) Revocation by a transferor does not affect the deed as to the interest of another transferor; and

(2) A deed of joint owners is revoked only if it is revoked by all of the living joint owners.

II. After a transfer on death deed is recorded, it may not be revoked by a revocatory act on the deed.

III This section does not limit the effect of an inter vivos transfer of the property.

563-D:12 Effect of Transfer on Death Deed During Transferor's Life. During a transferor's life, a transfer on death deed does not:

I. Affect an interest or right of the transferor or any other owner, including the right to transfer or encumber the property;

II. Affect an interest or right of a transferee, even if the transferee has actual or constructive notice of the deed;

III. Affect an interest or right of a secured or unsecured creditor or future creditor of the transferor, even if the creditor has actual or constructive notice of the deed;

IV. Affect the transferor's or designated beneficiary's eligibility for any form of public assistance;

V. Create a legal or equitable interest in favor of the designated beneficiary; or

VI. Subject the property to claims or process of a creditor of the designated beneficiary.

563-D:13 Effect of Transfer on Death Deed at Transferor's Death.

I. Except as otherwise provided in the transfer on death deed, in this section, or in RSA 563-D:14, upon the death of the transferor, the following rules apply to property that is the subject of a transfer on death deed and owned by the transferor at death:

(a) Subject to subparagraph (b), the interest in the property is transferred to the designated beneficiary in accordance with the deed.

(b) The interest of a designated beneficiary is contingent on the designated beneficiary surviving the transferor, and unless the transfer on death deed provides otherwise, the interest of a designated beneficiary who fails to survive the transferor lapses. RSA 551:12 shall not apply to a transfer on death deed.

(c) Subject to subparagraph (d), concurrent interests are transferred to the beneficiaries in equal and undivided shares with no rights of survivorship, unless the transfer on death deed specifically creates a joint tenancy between or among the transferees.

(d) If the transferor has identified 2 or more designated beneficiaries to receive concurrent interests in the property, the share of one which lapses or fails for any reason is transferred to the other, or others in proportion to their respective interests in the remaining part of the property, unless the transfer on death deed provides otherwise.

II. Subject to RSA 477, a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens, other interests to which the property is subject at the transferor's

death, and claims of creditors of the estate of the transferor as provided in RSA 563-D:16. For purposes of this section and RSA 477, the recording of the transfer on death deed is deemed to have occurred at the transferor's death.

III. If a transferor is a joint owner and is:

- (a) Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or
- (b) The last surviving joint owner, the transfer on death deed is effective.

IV. A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.

V. Property conveyed by a transfer on death deed shall not be considered part of the probate estate for purposes of a spouse's right to an elective share pursuant to RSA 560:10.

VI. Property conveyed by a transfer on death deed shall not be included for purposes of determining the share payable to a pretermitted heir of the transferor pursuant to RSA 551:10.

563-D:14 Designated Beneficiary Presumed to Have Predeceased Transferor. A beneficiary designated in a transfer on death deed shall be deemed to have predeceased the transferor under the following circumstances:

I. The divorce or annulment of the marriage between the transferor and such designated beneficiary, so long as the divorce or annulment has taken place subsequent to the execution of the transfer on death deed, unless the transfer on death deed provides otherwise; and

II. The death of the transferor, if intentionally and unlawfully caused by such designated beneficiary, but only if principles of equity warrant revocation.

563-D:15 Disclaimer. A beneficiary may disclaim all or part of the beneficiary's interest as provided by RSA 563-B.

563-D:16 Liability For Creditor Claims And Statutory Allowances.

I. To the extent the transferor's probate estate is insufficient to satisfy an allowed claim against the estate, the estate may enforce the liability against property transferred at the transferor's death by a transfer on death deed.

II. If more than one property is transferred by one or more transfer on death deeds, the liability under paragraph I is apportioned among the properties in proportion to their net values at the transferor's death.

III. If no administration shall have been granted upon the estate of the deceased transferor within 2 years from the transferor's date of death, no proceeding to enforce the liability under this section shall be commenced.

563-D:17 Validity of Transfer On Death Deed.

I. A transfer on death deed or a revocation of a transfer on death deed is deemed to be valid if it was created or revoked in accordance with this chapter.

II. An action to contest the validity of a transfer on death deed or a revocation of a transfer on death deed must be commenced within the later of:

(a) One year after the transferor's death; or

(b) Six months after the appointment of the administrator of the transferor's estate, if the administrator was appointed within one year after the death of the transferor.

563-D:18 Guardian and Agent May Not Modify Beneficiary Designation Unless Authorized.

I. The duly appointed conservator or guardian of the owner of the property may neither execute nor revoke a transfer on death deed unless expressly authorized to do so by court order.

II. Unless the power of attorney otherwise provides, an express grant of authority to create or change a beneficiary designation includes the authority to execute or revoke a transfer on death deed.

563-D:19 Optional Form of Transfer on Death Deed. The following form may be used to create a transfer on death deed. The other sections of this chapter govern the effect of this or any other instrument used to create a transfer on death deed.

NOTICE: This deed must be recorded by the earlier of 60 days from date of execution or the date of the owner's (transferor's) death, or it will not be effective.

REVOCABLE TRANSFER ON DEATH DEED

THIS REVOCABLE TRANSFER ON DEATH DEED, dated \_\_\_\_\_, is made by \_\_\_\_\_ (name of owner(s) making this deed) of \_\_\_\_\_ (mailing address of owner(s)).

This Revocable Transfer of Death Deed is made pursuant to the Uniform Real Property Transfer on Death Act, New Hampshire RSA 563-D. In accordance with the provisions of N.H. RSA 563-D, at my death, I transfer and convey my interest in the below described property to my designated beneficiary/beneficiaries as follows:  
PRIMARY BENEFICIARY

I designate \_\_\_\_\_ (name of beneficiary) of \_\_\_\_\_ (mailing address of beneficiary) as the designated beneficiary if he/she survives me.

(Add additional primary beneficiaries as desired.)

SECONDARY BENEFICIARY (optional)

I designate \_\_\_\_\_ (name of secondary beneficiary) of \_\_\_\_\_ (mailing address of secondary beneficiary) as the designated beneficiary if my primary beneficiary does not survive me. (Add additional secondary beneficiaries as desired.)

PROPERTY

The real property that shall be transferred at my death pursuant to this Revocable Transfer on Death Deed is located in the Town (City) of \_\_\_\_\_, County of \_\_\_\_\_, State of New Hampshire, and is more particularly bound and described as follows:

(Insert legal description of land or interest being conveyed including encumbrances, reservations, and exceptions. A street address by itself is not sufficient.)

Before my death, I have the right to revoke this deed.

This deed is exempt from real estate transfer tax as a revocable transfer on death deed for no consideration pursuant to RSA 78-B:2, XXV.

Executed this \_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Signature of owner  
(Add additional owners as needed.)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ (name of owner).

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My commission expires: \_\_\_\_\_  
Notary Seal or Stamp:

(Add additional acknowledgments as needed.)

563-D:20 Optional Form of Revocation. The following form may be used to create an instrument of revocation under this chapter. The other sections of this chapter govern the effect of this or any other instrument used to revoke a transfer on death deed.

NOTICE: This revocation must be recorded by the earlier of 60 days from date of execution or the owner's date of death, or it will not be effective.

REVOCATION OF REVOCABLE TRANSFER ON DEATH DEED

Identifying information:

Owner or owners of property making this revocation:

\_\_\_\_\_  
Print name of owner  
(Add lines as needed for additional owners.)

\_\_\_\_\_  
Owner's mailing address

PROPERTY

The real property is located in the Town (City) of \_\_\_\_\_, County of \_\_\_\_\_, State of New Hampshire, and is more particularly bound and described as follows:

(Insert legal description of land or interest including encumbrances, reservations, and exceptions. A street address by itself is not sufficient.)

I revoke all my previous transfers of this property by revocable transfer on death deed, pursuant to the Uniform Real Property Transfer on Death Act, New Hampshire RSA 563-D.

Signature of owner(s) making this revocation:

\_\_\_\_\_  
Signature  
(Add lines as needed for additional owners.)

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ (name of owner).

\_\_\_\_\_  
Notary Public/Justice of the Peace  
My commission expires: \_\_\_\_\_  
Notary Seal or Stamp:

(Add additional acknowledgments as needed.)

563-D:21 Relation to Electronic Signatures in Global and National Commerce Act. This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C.

Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

2 New Paragraph; Tax on Transfer of Real Property; Exceptions; Transfer on Death Deed. Amend RSA 78-B:2 by inserting after paragraph XXIV the following new paragraph:

XXV. To a transfer on death deed under RSA 563-D, where no consideration is exchanged.

3 New Subparagraph; Probate Court; Concurrent Jurisdiction with Superior Court; Transfer on Death Deed. Amend RSA 547:3, II by inserting after subparagraph (e) the following new subparagraph:

(f) Transfer on death deeds pursuant to RSA 563-D.

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

**Amendment to HB 107-FN  
(2023-0586h)**

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

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

1 Sexual Assault and Related Offenses; Prohibition From Contact With a Minor. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From ~~[Child Care Service of Persons Convicted of Certain Offenses]~~ ***Employment in Businesses Providing Direct Services to Minors or Direct Supervision or Oversight of Minors.***

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly ~~[undertakes]~~ ***engages in*** employment or volunteer service, ~~[involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type]~~ ***either as the employer or provider of such service or as an employee or volunteer, that consists of acting as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that provides services exclusively or predominantly to minors, that involves direct supervision of minors, or that involves one on one work with minors, or any employment or volunteer service that involves the direct supervision of minors, or one on one work with other minor employees.***

II. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when ~~[applying or volunteering for service or employment of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I]~~ ***offering employment or volunteer service opportunities or applying for or engaging in employment or volunteer service of the kind specified in paragraph I.***

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when making application for initial teacher certification in this state.

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

**Amendment to HB 129-FN-LOCAL  
(2023-0933h)**

**Proposed by the Committee on Finance – c**

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

1 School Districts; Menstrual Hygiene Products. Amend RSA 189:16-a, I to read as follows:

I. ~~[The school district]~~ ***School districts*** shall make menstrual ***hygiene*** products available at no cost ~~[in all gender neutral bathrooms and bathrooms designated for females located in public middle and high schools]~~ ***to all menstruating students attending public schools.***

2 Effective Date. This act shall take effect August 1, 2023.

2023-0933h

AMENDED ANALYSIS

This bill requires school districts to provide menstrual hygiene products to all menstruating students attending public schools.

**Amendment to HB 135-FN  
(2023-0684h)**

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

Amend the bill by replacing section 1 with the following:

1 Search Warrants; Requisites of Warrant; No-Knock Warrants Prohibited. Amend RSA 595-A:2 to read as follows:

595-A:2 Requisites of Warrant.

*I. Search warrants shall designate or describe the person, building, vessel, or vehicle to be searched and shall particularly describe the property or articles to be searched for. They shall be substantially in the form prescribed in RSA 595-A:3 and shall be directed to a sheriff or his deputy or to a constable or police officer, commanding him to search in the daytime, or if the warrant so directs, in the night time, the person, building, vessel, or vehicle where the property or articles for which he is required to search are believed to be concealed, and to bring such property or articles when found, and the persons in whose possession they are found, before any circuit or superior court named therein.*

*II.(a) No law enforcement officer shall seek, execute, or participate in the execution of a no-knock search warrant. Any law enforcement officer involved in executing a search warrant shall be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of the officer's authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant. The executing officer shall, before entering the premises, give appropriate notice of the identity, authority, and purpose of the officer to the person to be searched, or to the person in apparent control of the premises to be searched. No evidence obtained from a search warrant in violation of this paragraph shall be admitted into evidence for the state in any prosecution. This paragraph shall apply to all circumstances with the exception of the following:*

*(1) If an officer has reasonable grounds to believe at the time the warrant is sought that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer and/or another person. Prior to seeking judicial authorization for a no-knock entry, an officer must first obtain written approval from the chief law enforcement officer or his or her designee in the municipality or, in the case of any state law enforcement agency, the chief law enforcement officer of the specific agency. The chief law enforcement officer in the municipality or state agency shall make a timely report of the use of any no-knock warrants by his or her agency or department to the head prosecutor for their jurisdiction. Such reports will become a public record once the warrant is returned to the court unless otherwise ordered by the court. Timely notification shall mean within 48 hours. Once judicial authorization is obtained, officers may proceed without knocking and announcing their presence unless they learn of facts that negate the circumstances that justified this exception to the knock and announce rule.*

*(2) If an officer did not anticipate the need for a no knock entry at the time the warrant was sought, the officer may conduct a no-knock entry only if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer and/or another person. If the officer relies on this exigent circumstances exception in executing the warrant, the officer shall immediately notify his or her chief law enforcement officer who shall provide written notice to the district or county attorney, attorney general, or their designee.*

*(3) If an exceptional circumstance arises, such as, but not limited to, a human trafficking or missing person case where computer evidence leading to the location of victims could be destroyed, where no imminent threat of physical violence is present but an officer believes the evidence is so significant, and the risk of its destruction so pronounced, that a no-knock entry is warranted, judicial authorization for a no-knock warrant may be sought if approval is first obtained from the chief law enforcement officer or his or her designee and the district or county attorney, attorney general, or their designee.*

*(b) In this paragraph, a "no-knock search warrant" is a warrant authorizing a law enforcement officer to enter a premises to execute a warrant without first knocking or announcing his or her presence.*

2023-0684h

AMENDED ANALYSIS

This bill prohibits a law enforcement officer from seeking, executing, or participating in the execution of a no-knock search warrant and exceptions thereto.

**Amendment to HB 136**

**(2023- 0949h)**

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

Amend the bill by replacing section 1 with the following:

1 Rulemaking. Amend the introductory paragraph RSA 126-A:95 to read as follows:

The department shall *work in collaboration with the advisory council established under RSA 126-A:96 to adopt rules pursuant to RSA 541-A, and prior to the department adopting any proposed rule, the department shall provide the council an opportunity to hold a roll call vote in support or opposition to any final proposed rule adopted* [adopt-rules] pursuant to RSA 541-A, necessary to implement and maintain the program including:

**Amendment to HB 142  
(2023- 0939h)**

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

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

1 Findings.

I. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is desirable to the energy infrastructure of the state of New Hampshire, within the bounds of previous agreements made to sustain the facility, and while not damaging the larger economy of the state.

II. The original purchase power agreement (PPA) signed by Burgess Biopower and PSNH and conditionally approved by the public utilities commission was deemed necessary in 2010 to provide support for the economically disadvantaged North Country due to the closure of a large paper mill, a major Coos county employer. Burgess Biopower and PSNH agreed to the terms of the public utilities commission conditional approval and altered the PPA accordingly.

III. The PPA terms, according to public utilities commission docket testimony, posed several risks. The legislature intervened to mitigate one such risk in 2017 with SB577, which Burgess Biopower believed would forgive an accumulation of over market energy costs. The public utilities commission interpreted the legislation to mean that the over accumulation of costs would require a repayment according to the terms of the contract. The legislature then extended the relief provided by SB577 for one year in SB271.

IV. In 2023, a department of energy audit confirmed that such repayment of accumulated costs would be detrimental to the continued operation of Burgess Biopower. Forgiving those over-threshold costs, which have already been recovered from ratepayers, can (a) restore the original intent of the PPA, (b) redress the legislature's earlier erroneous interference in a private contractual matter, and (c) protect ratepayers and the overall economy of the state.

2 Public Utilities Commission; Authority to Amend Orders.

I. The public utilities commission shall amend any of its orders as necessary to accomplish the following:

(a) Maintain the CRF Balance, capped at \$100 million. The \$100 million which accrued in the CRF prior to the legislature's suspensions of the operation of the cap on the CRF shall be subject to the terms of the Power Purchase Agreement (PPA) as approved by Order No. 25,213 in Docket No. DE 10-195 and all subsequent amendments.

(b) Accruals in Excess of the \$100 million cap of the CRF During the legislative suspension periods. Burgess BioPower shall not be obligated to repay any amounts in excess of the \$100 million CRF balance that have accrued and been paid for by ratepayers during the legislature's previous suspensions of the operation of the cap on the CRF.

(c) New accruals to be paid for by Burgess. On a moving forward basis, Burgess Biopower will be responsible for any further accumulation over the \$100 million balance of the CRF by remitting payment pursuant to Section 6.1.4(c) of the PPA.

II. Given the contributions, both economic and energy-related, that the Burgess Biopower plant provides to the state's North Country region, such relief provided to the Burgess Biopower plant by the restoration of the terms of the original PPA shall be deemed to be reasonable, legitimate, and in the public interest for the purposes of RSA 374:57, or any provision of law applicable to the approval of power purchase agreements.

III. To ensure the continued viability of Burgess Biopower, any proceeding conducted by the public utilities commission shall be conducted on an expedited basis, by opening a docket within 30 days after passage of this act and issuing a final order implementing the relief provided in this act no later than 6 months from the effective date of this act.

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

**Amendment to HB 174  
(2023- 0761h)**

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

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

1 Notice of Intent to Cut. Amend RSA 79:10, I to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut **as** provided by the commissioner of revenue administration, stating the owner's name, residence,

an estimate of the volume of each species to be cut, and such other information as may be required. Except when a bond is required pursuant to RSA 79:3-a or RSA 79:10-a, II, a supplemental notice of intent shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town, or unincorporated place shall, within 15 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials if all conditions for approval have been met. Notwithstanding RSA 91-A, the assessing officials may sign the intent to cut outside a public meeting. When a notice is to be signed by the assessing officials outside a public meeting, public notice shall be posted by the municipality at least 24 hours, excluding Sundays and holidays, before it is signed. The notice shall be posted in the 2 places where the municipality regularly posts notices of its governing body meetings. If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall ~~immediately~~ forward any signed intent to the commissioner of revenue administration **within 5 business days** and shall also supply a copy to the owner ~~upon request~~. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

***(c) If the submitting owner has met all conditions for approval and the intent is not signed by the assessing officials within 15 days pursuant to subparagraph (b), and provided that the assessing officials have not communicated to the owner a reason why conditions for approval have not been met, the owner may commence the cutting operation after submitting a copy of the intent and providing the date of filing to the commissioner of revenue administration. If the assessing officials thereafter determine that the conditions for approval have not been met, the assessing officials shall notify the owner and the person responsible for the cutting explaining why the submitted intent does not meet the conditions for signature. Upon delivery of such notice, the cutting operation shall cease until such conditions are met and the intent is signed.***

~~(e)~~ (d) The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.

~~(d)~~ (e) Upon receipt of an intent, the commissioner of revenue administration shall furnish, without cost to the owner, a certificate and a report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city, town, or unincorporated place. An owner may start an operation upon posting the certificate or upon posting, in a water proof covering in the same place and manner that the certificate will be posted upon receipt, a copy of the intent to cut form that was signed by the assessing officials. In lieu of a signed intent to cut form, a copy of the form as submitted by the owner to the assessing officials may be substituted for posting purposes when the owner, or the person responsible for the cut, has been notified that the intent to cut form has been signed **or is proceeding with a cut in accordance with subparagraph(c)**. The owner, or the person responsible for the cut, shall clearly print on the form the number assigned to it pursuant to subparagraph (b), and the date, time, and name of the municipal official or employee who provided the notification **and the date the intent to cut form was filed with the city, town, or unincorporated place**.

~~(e)~~ (f) Starting or continuing an operation while the required certificate or intent to cut form is not posted in accordance with this section shall constitute a violation by the owner or any other person doing the cutting, or both.

~~(f)~~ (g) Starting an operation before the original notice of intent to cut or supplemental intent to cut has been filed with the city or town and signed by the appropriate municipal officials, **unless such operation is proceeding in accordance with subparagraph (c)**, shall constitute a violation by the owner or any other person doing the cutting, or both.

~~(g)~~ (h) A copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of natural and cultural resources.

2 Notice of Intent to Cut and Report of Wood Cut. Amend RSA 227-J:5 to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79:10 and 11, any owner, as defined in RSA 79:1, II, conducting a cutting operation shall file an intent to cut and a report of wood cut. Pursuant to RSA ~~[79:10, I(d)]~~ **79:10, I(e)**, the intent to cut form as signed or properly noted as being signed by the assessing officials ~~[or]~~ **completed in accordance with RSA 79:10, I(c)** or the certificate issued by the department of revenue administration shall be posted prior to starting a cutting operation. Failure to comply with these requirements and those contained in RSA 79 may result in penalties to the owner or any other person doing the cutting, or both, under RSA 79.

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

**Amendment to HB 195  
(2023- 0986h)**

**Proposed by the Committee on Election Law – c**

Amend the bill by replacing section 1 with the following:

1 Political Action Committee; Definitions. RSA 664:2, XXII is repealed and reenacted to read as follows:

XXII. “Political advocacy organization” means any entity that makes expenditures of \$2,500 or more in a calendar year for communication that is functionally equivalent to express advocacy such that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a reasonable person as advocating the election or defeat of a candidate or candidates, or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy, a political party, or takes a position on a candidate’s character, qualifications, or fitness for office.

**Amendment to HB 205  
(2023-0734h)**

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

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

1 New Section; Well Testing. Amend RSA 482-B by inserting after section 18 the following new section:  
482-B:19 Well Testing.

I. Following the pump installation on a new well constructed as a drinking water supply source that will not serve a public water system as defined in RSA 485:1-a, XV, the licensed pump installer shall be responsible for having the water quality tested.

II. The water sample for testing shall be collected by the licensed pump installer or an individual representing the installer.

III. The water sample for testing shall be representative of the raw and untreated water and free of visible sediment or residual disinfectant.

IV. The water sample for testing shall be analyzed by a laboratory accredited by the New Hampshire environmental laboratory accreditation program for the parameters listed below:

- (a) Arsenic;
- (b) Bacteria;
- (c) Chloride;
- (d) Copper;
- (e) Fluoride;
- (f) Hardness;
- (g) Iron;
- (h) Lead;
- (i) Manganese;
- (j) Nitrate;
- (k) Nitrite;
- (l) pH;
- (m) Sodium;
- (n) Uranium; and
- (o) Radon.

V. The pump installer shall provide the laboratory’s report of required analyses to the current owner of the property which the well will serve, accompanied by a notice from the department of environmental services that includes information on new well water quality; the importance of re-testing water periodically; recommendations for testing additional parameters; how to interpret the results and identify treatment needs and options; and the importance of maintaining treatment systems, if installed.

VI. Failure to test a well or submit the laboratory report resulting from such test as required under this section shall be a violation.

2 Notification Required; Well Water Contaminants, PFAS, Radon, and Lead. Amend the section heading of RSA 477:4-a and RSA 477:4-a, I to read as follows:

477:4-a Notification Required; ***Contaminants in Well Water, PFAS, Radon, [Arsenic,] and Lead.***

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller’s agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

***“Contaminants Common in Well Water: Harmful contaminants have been found in private wells throughout New Hampshire. The New Hampshire department of environmental services (NHDES) recommends that everyone buying a home first have the water tested using a “New Hampshire Well Water Test for Home Buyers,” described on the NHDES website, which is available at the state water laboratory and at private labs. After you receive your test results, visit NHDES’ “Be Well Informed” website to determine whether a treatment system would be advisable.”***



***“PFAS: Poly- and perfluoroalkyl substances (PFAS) are found in products that are used in domestic, commercial, institutional and industrial settings. These chemical compounds have been detected at unhealthy levels in wells throughout New Hampshire, but are more frequently detected at elevated levels in southern New Hampshire. Testing of the water, as described above, by an accredited laboratory can measure PFAS levels and inform a home buyer’s decision regarding the need to install water treatment systems.”***

***“Radon: Radon, the product of decay of radioactive materials in rock, [may be found in some] is common in many areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well resulting in levels of radon that increase the risk of lung cancer and other diseases. Testing of the air by a professional certified in radon testing and testing of the water, as described above, by an accredited laboratory can [establish radon’s presence and equipment is available to remove it from the air or water] measure radon levels and inform a home buyer’s decision regarding the need to install water treatment and/or air mitigation systems.”***

***“Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well.”***

***“Lead: Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water.”***

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

2023-0734h

AMENDED ANALYSIS

This bill requires that installers of new well pumps test the water for certain contaminants.

This bill also requires certain notice of PFAS and other groundwater contamination prior to the sale of real property.

**Floor Amendment to HB 205  
(2023- 1026h)**

**Proposed by Rep. McGough – r**

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

1 New Section; Well Testing. Amend RSA 482-B by inserting after section 18 the following new section:  
482-B:19 Well Testing.

I. Following the pump installation on a new well constructed as a drinking water supply source that will not serve a public water system as defined in RSA 485:1-a, XV, the licensed pump installer shall be responsible for having the water quality tested.

II. The water sample for testing shall be collected by the licensed pump installer or an individual representing the installer. Notwithstanding a municipality’s existing requirements for well testing, the landowner shall have the opportunity to refuse the water test offered by the installer and shall sign a document attesting to such refusal at the request of the installer, and the obligation of this paragraph shall be deemed satisfied by the installer.

III. The water sample for testing shall be representative of the raw and untreated water and free of visible sediment or residual disinfectant.

IV. The water sample for testing shall be analyzed by a laboratory accredited by the New Hampshire environmental laboratory accreditation program for the parameters listed below:

- (a) Arsenic.
- (b) Bacteria.
- (c) Chloride.
- (d) Copper.
- (e) Fluoride.
- (f) Hardness.
- (g) Iron.
- (h) Lead.
- (i) Manganese.
- (j) Nitrate.
- (k) Nitrite.

- (l) pH.
- (m) Sodium.
- (n) Uranium.
- (o) Radon.

V. The pump installer shall provide the laboratory's report of required analyses to the current owner of the property which the well will serve, accompanied by a notice from the department of environmental services that includes information on new well water quality; the importance of re-testing water periodically; recommendations for testing additional parameters; how to interpret the results and identify treatment needs and options; and the importance of maintaining treatment systems, if installed.

VI. Failure to offer a test for a well or to submit the laboratory report resulting from such test as required under this section shall be a violation.

2 Notification Required; Radon, Arsenic, Lead, and PFAS. Amend RSA 477:4-a to read as follows:  
477:4-a Notification Required; Radon, Arsenic, ~~and~~ Lead, **and PFAS**.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations ([www.des.nh.gov](http://www.des.nh.gov)) to ensure a safe water supply if the subject property is served by a private well."

"Lead: Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water."

***"PFAS: Per- and polyfluoroalkyl substances (PFAS) are a group of synthetic chemicals used in commercial and industrial applications. These chemicals are highly resistant to degradation and once released into the environment they can be mobile in water, soil and groundwater. This may lead to exposure through drinking water, food, or dusts. Long-term exposure to certain PFAS may harm human health. The New Hampshire department of environmental services recommends that a residential well be tested for PFAS if it has not been tested previously and that prospective homebuyers test the water in a home with a residential well before purchase. Residential well users can obtain water sample bottles by contacting an accredited laboratory from the list provided by the New Hampshire department of environmental services. The New Hampshire department of environmental services recommends testing for additional PFAS analytes beyond the four specified in the state maximum contaminant levels – PFOA, PFOS, PFHxS and PFNA – to fully assess the potential for contamination impacting a water source. In the event that a homeowner's water contains PFAS levels above the drinking water standards, a rebate program to offset the capital costs of installation of a PFAS treatment system is provided through the New Hampshire department of environmental services's PFAS removal rebate program for private wells.***

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

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

2023-1026h

#### AMENDED ANALYSIS

This bill requires that installers of new well pumps offer to test the water for certain contaminants.

This bill also requires that property buyers be notified of the presence of PFAS in well water before the execution of a contract for purpose.

#### Amendment to HB 238 (2023- 0841h)

**Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r**  
Amend the bill by replacing all after the enacting clause with the following:

1 Developmental Services Quality Council. Amend RSA 171-A:33 to read as follows:

171-A:33 Developmental Services Quality Council Established; Membership; Duties.

I. There is established the developmental services quality council to provide leadership for consistent, systemic review and improvement of the quality of the developmental disability and acquired brain disorder services provided within New Hampshire's developmental services system. At least 51 percent of the members of the council shall be individuals with disabilities served by the system or parents of individuals served by the system. The members of the council shall be as follows:

(a) The commissioner of the department of health and human services, or designee.

(b) A representative of People First of New Hampshire, appointed by such organization.

(c) A representative of Advocates Building Lasting Equality in New Hampshire (ABLE NH), appointed by such organization.

(d) A representative of the New Hampshire council on autism spectrum disorders who shall be either the individual who has an autism spectrum disorder or the family member of a person who has an autism spectrum disorder, appointed by the council.

(e) A representative of the Brain Injury Association of New Hampshire, appointed by the association.

(f) Two representatives of the New Hampshire Developmental Disabilities Council, at least one of whom shall be a person with a developmental disability, appointed by the council.

(g) Three representatives of local Family Support Councils, appointed by the state Family Support Council.

(h) One direct support professional and one enhanced family care provider, appointed by the New Hampshire Developmental Disabilities Council.

(i) Three representatives of area agency boards of directors including at least 2 persons with a developmental disability or family members of such persons, appointed by the Community Support Network Incorporated.

(j) A representative of the Community Support Network Incorporated, appointed by such organization.

(k) A representative of the Private Provider Network, appointed by such organization.

(l) The director of the Institute on Disability, University of New Hampshire, or designee.

(m) A representative of the [Disabilities] **Disability** Rights Center - **NH**, appointed by the center.

(n) Up to 5 additional members, nominated by the council and appointed by the governor.

II. The groups represented under paragraph I are encouraged to provide, according to their ability, the in-kind and other resources necessary for the council to succeed. The council may request information and analysis on quality from the department of health and human services, area agencies, and providers. The council shall have access to all non-confidential information on quality for services funded all or in part by public funds.

III. The council shall regularly review information on the quality of developmental services in New Hampshire and make recommendations for improving service quality and the quality assurance and continuous improvement systems, including but not limited to:

(a) Standards of quality and performance expected of area agencies and provider agencies.

(b) Types of data to be collected, analyzed, and disseminated to determine whether standards are being met.

(c) Quality assurance and oversight mechanisms to be used to gather data and information.

(d) Content, frequency, and recipients of quality evaluation and improvement reports.

(e) Expectations and procedures for following up on identified areas where improvements are needed.

(f) Structures, policies, rules, and practices, including staffing or organizational changes, to ensure that the developmental services system works as intended in RSA 171-A:1, including:

(1) Ways of supporting values-based and person-centered service planning and provision, as well as problem solving, innovation, and learning;

(2) Recognizing and disseminating what is working well (best/model practices); ~~and~~

(3) **Significant changes proposed by the department relating to, or which may impact any of, the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A; and**

~~(4)~~ (4) Reviewing, interpreting, and disseminating data and information on a regular basis to bring about transparency for all stakeholders and the public.

IV. **For proposed consulting or service contracts involving the provision of developmental services, the department shall:**

(a) **Confer and receive input from the council on provisions to be included in any request for proposals and contracts.**

(b) **Require the selected contractor to solicit input from the council prior to issuing any findings or recommendations to the department or any other government entity.**

***V. The department shall respond to the council's recommendations for improving service quality and the quality assurance and continuous improvement systems in writing within 30 days of receipt of the council's recommendations. The department's response shall include the following:***

***(a) A statement indicating whether it agrees or disagrees with each of the council's recommendations;***

***(b) For each recommendation it agrees with, a detailed plan for how the department will address the areas identified as needing improvement including the specific steps the department plans to take, along with a timeline for each step; and***

***(c) For any recommendation it does not agree with, an explanation of the basis for its disagreement and rationale for its decision not to take action on any specific recommendation.***

[FV] **VI.** The council shall make an annual report beginning on November 1, 2010 that includes its recommendations and an assessment of the actions taken in response to previous recommendations to the governor, the speaker of the house of representatives, the president of the senate, the members of the house committee on health, human services and elderly affairs and the members of the senate committee on health and human services.

[V] **VII.** The meetings shall be convened by the ***chair or vice chair of the council*** or commissioner of the department of health and human services, ~~[or designee,]~~ and shall meet regularly as determined by the council. The meetings shall be open to the public and subject to the provisions of RSA 91-A, the right-to-know law. The council may establish bylaws for governing its meetings, decisions, and other operations. ~~[A quorum of the council shall be a majority plus one member of the appointed members of the council.]~~ ***For the purpose of convening council meetings in compliance with RSA 91-A, a quorum of the council shall be a majority plus one member of the appointed members of the council. Members who are not able to be physically present at council meetings due to their disabilities or the disability of a family member shall be counted as attending "in person" for the purpose of the establishment of a quorum provided that each member participating electronically or otherwise is able to simultaneously hear and speak to each other council member during the meeting, and shall be audible or otherwise discernable to 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.***

**VIII.** ***When the department of health and human services is evaluating or determining the need or desirability for any changes relating to, or which may impact, any of the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A, including, but not limited to, the components listed in RSA 171-A:33, III, the department shall solicit input and recommendations from the council at the initial stages of such consideration and at all stages thereafter and give due deference to the council's input and recommendations on whether, or how, to make any such changes. The department shall receive input from the council on provisions to be included in any request for proposal and contract and give due deference to the council's input when finalizing a request for proposal or contract. The department shall also request the council to select a council member to be part of the selection process for the bidder and shall include a provision in the contract requiring the contractor selected to solicit input from the council on any findings or recommendations the contractor is considering or intending to make to the department or any other government entity.***

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

**Amendment to HB 238  
(2023- 0909h)**

**Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs – r**  
Amend the bill by replacing all after the enacting clause with the following:

1 Developmental Services Quality Council. Amend RSA 171-A:33 to read as follows:

171-A:33 Developmental Services Quality Council Established; Membership; Duties.

I. There is established the developmental services quality council to provide leadership for consistent, systemic review and improvement of the quality of the developmental disability and acquired brain disorder services provided within New Hampshire's developmental services system. At least 51 percent of the members of the council shall be individuals with disabilities served by the system or parents of individuals served by the system. The members of the council shall be as follows:

(a) The commissioner of the department of health and human services, or designee.

(b) A representative of People First of New Hampshire, appointed by such organization.

(c) A representative of Advocates Building Lasting Equality in New Hampshire (ABLE NH), appointed by such organization.

(d) A representative of the New Hampshire council on autism spectrum disorders who shall be either the individual who has an autism spectrum disorder or the family member of a person who has an autism spectrum disorder, appointed by the council.

(e) A representative of the Brain Injury Association of New Hampshire, appointed by the association.

(f) Two representatives of the New Hampshire Developmental Disabilities Council, at least one of whom shall be a person with a developmental disability, appointed by the council.

(g) Three representatives of local Family Support Councils, appointed by the state Family Support Council.

(h) One direct support professional and one enhanced family care provider, appointed by the New Hampshire Developmental Disabilities Council.

(i) Three representatives of area agency boards of directors including at least 2 persons with a developmental disability or family members of such persons, appointed by the Community Support Network Incorporated.

(j) A representative of the Community Support Network Incorporated, appointed by such organization.

(k) A representative of the Private Provider Network, appointed by such organization.

(l) The director of the Institute on Disability, University of New Hampshire, or designee.

(m) A representative of the ~~[Disabilities]~~ **Disability** Rights Center - **NH**, appointed by the center.

(n) Up to 5 additional members, nominated by the council and appointed by the governor.

II. The groups represented under paragraph I are encouraged to provide, according to their ability, the in-kind and other resources necessary for the council to succeed. The council may request information and analysis on quality from the department of health and human services, area agencies, and providers. The council shall have access to all non-confidential information on quality for services funded all or in part by public funds.

III. The council shall regularly review information on the quality of developmental services in New Hampshire and make recommendations for improving service quality and the quality assurance and continuous improvement systems, including but not limited to:

(a) Standards of quality and performance expected of area agencies and provider agencies.

(b) Types of data to be collected, analyzed, and disseminated to determine whether standards are being met.

(c) Quality assurance and oversight mechanisms to be used to gather data and information.

(d) Content, frequency, and recipients of quality evaluation and improvement reports.

(e) Expectations and procedures for following up on identified areas where improvements are needed.

(f) Structures, policies, rules, and practices, including staffing or organizational changes, to ensure that the developmental services system works as intended in RSA 171-A:1, including:

(1) Ways of supporting values-based and person-centered service planning and provision, as well as problem solving, innovation, and learning;

(2) Recognizing and disseminating what is working well (best/model practices); ~~[and]~~

(3) **Significant changes proposed by the department relating to, or which may impact any of, the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A; and**

~~[(3)]~~ (4) Reviewing, interpreting, and disseminating data and information on a regular basis to bring about transparency for all stakeholders and the public.

IV. **For proposed consulting or service contracts involving the provision of developmental services, the department shall:**

(a) **Confer and receive input from the council on provisions to be included in any request for proposals and contracts.**

(b) **Require the selected contractor to solicit input from the council prior to issuing any findings or recommendations to the department or any other government entity.**

V. **The department shall respond to the council's recommendations for improving service quality and the quality assurance and continuous improvement systems in writing within 30 days of receipt of the council's recommendations. The department's response shall include the following:**

(a) **A statement indicating whether it agrees or disagrees with each of the council's recommendations;**

(b) **For each recommendation it agrees with, a detailed plan for how the department will address the areas identified as needing improvement including the specific steps the department plans to take, along with a timeline for each step; and**

(c) **For any recommendation it does not agree with, an explanation of the basis for its disagreement and rationale for its decision not to take action on any specific recommendation.**

~~[FV]~~ VI. The council shall make an annual report beginning on November 1, 2010 that includes its recommendations and an assessment of the actions taken in response to previous recommendations to the governor, the speaker of the house of representatives, the president of the senate, the members of the house committee on health, human services and elderly affairs and the members of the senate committee on health and human services.

[V] **VII.** ~~[The meetings shall be convened by the commissioner of the department of health and human services, or designee, and shall meet regularly as determined by the council. The meetings shall be open to the public and subject to the provisions of RSA 91-A, the right-to-know law. The council may establish by-laws for governing its meetings, decisions, and other operations. A quorum of the council shall be a majority plus one member of the appointed members of the council.]~~ ***When the department of health and human services is evaluating or determining the need or desirability for any changes relating to, or which may impact, any of the practices, policies, standards, rates, budgets, funding formulae, or rights pertaining to eligibility or provision of supports and services under RSA 171-A, including, but not limited to, the components listed in RSA 171-A:33, III, the department shall solicit input and recommendations from the council at the initial stages of such consideration and at all stages thereafter and give due deference to the council's input and recommendations on whether, or how, to make any such changes. The department shall receive input from the council on provisions to be included in any request for proposal and contract and give due deference to the council's input when finalizing a request for proposal or contract. The department shall also request the council to select a council member to be part of the selection process for the bidder and shall include a provision in the contract requiring the contractor selected to solicit input from the council on any findings or recommendations the contractor is considering or intending to make to the department or any other government entity.***

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

**Amendment to HB 244  
(2023- 0957h)**

**Proposed by the Committee on Election Law – c**

Amend RSA 657:15, I as inserted by section 1 of the bill by replacing it with the following:

I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall ~~send~~ **mail** absentee ballots in response to verified absentee ballot requests ~~[until 5:00]~~ **that have been received by 12:00** p.m. on the day before the election. ***The clerk shall deliver an absentee ballot to any voter requesting an absentee ballot in person up until 5:00 p.m. on the day before the election.*** The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. The lists shall not be available for public inspection at any time without a court order.

Amend the bill by deleting sections 2-3 and renumbering the original section 4 to read as 2.

2023-0957h

**AMENDED ANALYSIS**

This bill changes the latest time that an absentee ballot may be requested.

**Amendment to HB 249  
(2023- 0750h)**

**Proposed by the Committee on Commerce and Consumer Affairs – c**

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

AN ACT establishing regulatory standards for the pet insurance industry and allowing restaurant owners to keep their dog on the premises.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:  
2 New Paragraph; Restaurants and Food Stores; Dogs. Amend RSA 466:44 by inserting after paragraph II the following new paragraph:

III. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service animal is present.

2023-0750h  
AMENDED ANALYSIS

This bill establishes regulatory standards for the sale of pet insurance. The bill also allows the restaurant owner to bring their companion dog to the restaurant premises.

**Amendment to HB 255  
(2023- 0985h)**

**Proposed by the Majority of the Committee on Election Law – r**

Amend the bill by replacing section 2 with the following:

2 New Section; Contribution by Limited Liability Company. Amend RSA 664 by inserting after section 4-b the following new section:

664:4-c Contribution by Limited Liability Company.

I. For the purpose of reporting contributions and determining whether a member of a limited liability company, as defined in RSA 304-C:14, has exceeded the contribution limits set forth in RSA 664:4, V, a contribution made by a domestic or foreign limited liability company shall be attributed to its member or members as if the contribution were made by those members on the basis of their percentage membership interests, and shall be attributed to those members for the purpose of reporting contributions and determining whether those members have exceeded the contribution limits set forth in RSA 664:4, V. For a single member limited liability company, the entire contribution shall be attributed to the member.

(a) If a member of a limited liability company is itself a limited liability company, then the portion of the contribution allocated to that member shall be allocated among its members on the basis of their percentage membership interests, and shall be attributed to those members for the purpose of reporting contributions and determining whether those members have exceeded the contribution limits set forth in RSA 664:4, V.

(b) If a member of a limited liability company is a corporation, then the portion of the contribution allocated to the corporation shall be attributed to the corporation for the purpose of reporting contributions and determining whether that corporation has exceeded its contribution limits under RSA 664:4, V.

II. When a limited liability company contributes, it shall provide the recipient of the contribution with the names and addresses of all members, and the names and addresses of all members of any member, and the amount of the contribution attributed to each member, or the member's members, as applicable.

**Amendment to HB 257  
(2023- 0924h)**

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

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Telephone Utilities; Carrier of Last Resort Service Obligations. Amend RSA 374:22-g by inserting after paragraph II the following new paragraphs:

II-a. An incumbent telephone utility may petition the department of energy to be relieved of its carrier of last resort obligation in one or more municipalities. The commissioner of the department of energy shall approve the petition if the department of energy finds that:

(a) There is at least one wireline-facilities-based voice network service provider other than the incumbent that offers service to at least 95 percent of the households in the municipality, and one or more mobile telecommunications service providers that offers, in the aggregate, mobile telecommunications services to at least 97 percent of the households in the municipality; or

(b) A provider or multiple providers, other than the incumbent utility, have received state, federal, or municipal funding to serve the entire municipality.

II-b. Beginning 30 days after the effective date of this paragraph and after the department of business and economic affairs has accepted a comprehensive New Hampshire broadband map, any incumbent telephone utility may petition the department of energy to be relieved of its carrier of last resort obligations in one or more town or municipality where:

(a) The most recent New Hampshire broadband map accepted by the department of business and economic affairs demonstrates that there is at least one wireline-facilities based voice network service provider other than the incumbent telephone utility that offers service to at least 95 percent of the households and mobile telecommunications service providers that offers, in the aggregate, mobile telecommunications services to at least 97 percent of the households in the town or municipality the incumbent telephone utility is asking to be relieved of its carrier of last resort obligations; or

(b) The incumbent telephone utility is able to demonstrate that when the New Hampshire broadband map is next updated and accepted by the department of business and economic affairs at least one wireline-facilities based voice service provider other than the incumbent telephone utility that offers service to at least 95 percent of the households and one or more mobile telecommunications service providers that offers, in the aggregate, mobile telecommunications services to at least 97 percent of the households in the town or municipality the incumbent telephone utility is asking to be relieved of its carrier or last resort obligations; or

(c) A provider or multiple providers, other than the incumbent telephone utility, have received municipal, state, or federal funding to serve the entire town or municipality where the incumbent telephone utility is asking to be relieved of its carrier of last resort obligations and a date to complete the installation of that service has been established.

II-c. The department of energy shall review petitions from incumbent telephone utilities seeking to be relieved of its carrier of last resort obligations in one or more town or municipality against the criteria laid out in paragraph II-b within 30 days of receipt of said petition. If the petition satisfies the criteria laid out in paragraph II-b, then department shall provide preliminary approval of incumbent telephone utility's petition.

II-d. Within 60 days of receiving preliminary approval from the department of energy, the incumbent telephone utility asking to be relieved of its carrier of last resort obligations shall hold a public meeting in each town or municipality affected by its petition to provide information to customers in each town or municipality about upcoming changes to service and alternative service options that will be available to customers. The incumbent telephone utility shall give advance notice of the hearing in a formal letter to the governing body of each affected town or municipality so that information can be posted on each town and municipality website, and notice to each customer in the town or municipality affected by its petition in its monthly billing statement, and publish the notice in a newspaper of general circulation in that town or municipality. Feedback obtained from each meeting shall be provided by the incumbent telephone utility to the department within 14 days of each meeting. The department shall consider all such feedback in its deliberations on whether to grant or deny the incumbent telephone utility's petition.

II-e. The department of energy shall issue a final order granting or denying a petition by an incumbent telephone utility to be relieved of its carrier of last resort obligations within 180 days of receiving such petition except that the department may extend this period for up to an additional 30 days. The effective date of the order shall be the date on which it is issued, except that in a town or municipality where the conditions of subparagraph II-b(c) apply, the effective date of the order shall be the date on which installation of the alternative service has been completed.

II-f. Upon receipt of a final order granting or denying a petition from the department of energy, the incumbent telephone utility shall within 60 days of the effective date of the final order give notice of the order in a formal letter to the appropriate governing body in each affected town and municipality so that information can be posted on each town and municipality website, and to all affected customers in their monthly billing statement, and published in a newspaper of general circulation in that town or municipality.

II-g. For a period of 6 months from the effective date of the order granting an incumbent telephone utility relief from its obligation to provide carrier of last resort service in a town or municipality, the incumbent telephone utility shall continue to provide each customer in that town or municipality to whom it was providing such service on the effective date of that order a telephone service with the same rates, terms, and conditions as it provides to other carrier of last resort service customers to whom it is obligated to provide carrier of last resort service.

II-h. During any 6-month transition period under paragraph II-g, the incumbent telephone utility whose petition for relief of last resort service has been granted shall make all best efforts to assist affected customers find alternative service to those they were receiving from said incumbent telephone utility. The department shall also post on its website a list of all known wireline, wireless, broadband, or other telecommunication service providers.

II-i. If, at the end of the 6-month transition period, there remain customers of the incumbent utility who do not have alternative service, to the extent technically and economically feasible, the incumbent utility shall make best efforts to continue providing service to such customers. If and when it no longer is technically or economically feasible and the incumbent utility must discontinue service to any such customer, the incumbent utility may do so after providing any remaining customer with a final advance warning of 30 days.

**Amendment to HB 275-LOCAL  
(2023- 0839h)**

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

Amend the bill by replacing section 1 with the following:

1 Change of School or Assignment; School Tuition Program. Amend RSA 193:3, VI to read as follows:

VI. If there is no public school for the child's grade in the resident district, the school board may contract with another public school in another school district or with any private school that has been approved as a school tuition program by the school board, and may raise and appropriate money for the purposes of the contract, if the school district decides it is in the best interest of the pupil. The district may either assign all children to schools that have been approved as a school tuition program, or allow each child's parent to choose a school from among schools that have been approved as a school tuition program. ***To enroll a child in a tuition school approved by the local school board whose tuition cost is above the district's established tuition cost per pupil as determined and approved by the board, the local board may require the parent to pay the tuition cost difference as long as at least one option does not require additional tuition payment from the parent.***



**Amendment to HB 315  
(2023- 0370h)**

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

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

AN ACT prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Homicide; Manslaughter; Certain Provocation Not Objectively Reasonable. Amend RSA 630:2 by inserting after paragraph III the following new paragraph:

IV. For the purpose of determining if the defendant was under the influence of extreme mental or emotional disturbance caused by extreme provocation pursuant to paragraph I, the provocation was not objectively reasonable if it resulted from the defendant's hostility to the decedent's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin, political beliefs or affiliation, sex, or gender identity as defined in RSA 21:54.

2023-0370h

AMENDED ANALYSIS

This bill prohibits provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.

**Amendment to HB 316  
(2023- 0725h)**

**Proposed by the Majority of the Committee on Election Law – r**

Amend RSA 654:27-a as inserted by section 1 of the bill by replacing it with the following:

654:27-a Checklist Maintenance. In cities and towns, the supervisors of the checklist shall meet at least every 90 days for the purpose of periodic checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors shall be first posted in 2 appropriate places, one of which shall be the city or town's Internet website, if such exists, or shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2023-0725h

AMENDED ANALYSIS

This bill requires the supervisors of the checklist to meet every 90 days.

**Amendment to HB 323  
(2023- 0934h)**

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

Amend the bill by replacing section 2 with the following:

2 New Section; Committee on Emerging Medical Technologies. Amend RSA 126-A by inserting after section 15-a the following new section:

126-A:15-b Committee on Emerging Medical Technologies.

I. There is established the joint committee on emerging medical technologies.

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

(a) One member of the senate, appointed by the senate president. The senate president also shall appoint one alternate member.

(b) Two members of the house of representatives and 2 alternates, with one member and one alternate appointed by the speaker of the house of representatives and one member and one alternate appointed by the minority leader. If the speaker of the house of representatives is a member of the minority party, the second member and alternate shall be appointed by the majority leader.

(c) Alternate members may attend committee meetings but shall not serve as voting members or count toward the committee's quorum unless a regular member is not in attendance.

(d) A quorum shall be defined as 2 members, and shall not be required except to vote on recommendations.

III. The committee shall solicit information and testimony from the public, state agencies, the attorney general, industry representatives with a special focus on medical and technical knowledge and challenges, health care providers and their associations, insurance companies, patient and consumer advocacy groups and any others who have an interest in emerging medical technologies.

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

V. The committee shall:

(a) Review topics of public interest surrounding the availability of emerging medical technologies including but not limited to:

- (1) Expanding access to clinical trials in both academic and community settings;
- (2) The role of biomarkers;
- (3) Pursuing access through compassionate care programs for medically appropriate patients; and
- (4) Removing barriers to access for emerging medical technologies.

(b) Review safety of emerging medical technologies including but not limited to:

(1) Working with the board of medicine to find appropriate ways to identify safety risks of emerging technologies, and in particular implantable medical devices, including an early warning system for surgeons or interventionalists who experience higher than expected adverse events or implant failures in order to facilitate remediation or other efforts to protect the health and safety of the public;

(2) Identifying safety signals in available data which warrant investigation, and identification of the appropriate body to conduct such an investigation; and

(3) Policies, laws or administrative rules which impact the public disclosure or withholding of safety concerns surrounding emerging medical technologies.

(c) Study barriers to expanding the presence of emerging medical technology companies and their suppliers in New Hampshire.

(d) Other issues surrounding emerging medical technology, as deemed relevant by the committee.

(e) Make specific recommendations regarding legislation or investigation relative to emerging medical technologies. The committee may make such recommendations as needed.

VI. The first meeting of the committee shall be called by the first named representative. The first meeting of the committee shall be held within 60 days of the effective date of this section and the members of the committee shall elect a chairperson of committee from the members. The committee shall meet at least once a year and at such additional times as may be determined necessary by the chairperson.

VII. Beginning October 1, 2023 and annually thereafter, the committee shall report its findings and any recommendations for proposed legislation to the chairmen and vice chairmen of the house health human services and elderly affairs committee, the senate health and human services committee, the oversight committee on health and human services, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

**Amendment to HB 342-FN  
(2023- 0842h)**

**Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r**  
Amend the bill by replacing all after the enacting clause with the following:

1 Health and Sanitation; Physical Examination of Pupils; Lead Testing Requirement. Amend RSA 200:32 to read as follows:

200:32 Physical Examination of Pupils. There shall be a complete physical examination by a licensed physician, physician assistant, or advanced practice registered nurse of each child prior to or upon first entry into the public school system and thereafter as often as deemed necessary by the local school authority. The result of the child's physical examination shall be presented to the local school officials on a form provided by the local school authorities. ***The form shall include at least one result of blood lead level testing required under RSA 130-A:5-a and RSA 130-A:5-c, for children ages 6 years and under unless the child is exempted under RSA 130-A:5-c. If a child, ages 6 years and under, has not had a blood lead level test at the time of first entry to school, the school shall provide and document both notification to the parent or legal guardian that unless exempted by RSA 130-A:5-c, lead testing is required under RSA 130-A:5-a and RSA 130-A:5-c, and the distribution of written or electronic educational materials provided by the New Hampshire department of health and human services on the dangers of lead poisoning and the importance of blood lead level testing for children.*** No physical examination shall be required of a child whose parent or guardian objects thereto in writing on the grounds that such physical examination is contrary to the child's religious tenets and teachings.

2 Child Day Care, Residential Care, and Child-Placing Agencies; Records; Lead Testing Required. Amend RSA 170-E:19 to read as follows:

170-E:19 Records. Every child day care agency shall keep and maintain such records as the department shall prescribe by rule pertaining to the admission, progress, health and discharge of children under the care of the child day care agency and shall report relative to such matters to the department whenever called for, upon forms prescribed by rule. ***Health forms shall include at least one result of blood lead level testing required under RSA 130-A:5-a and RSA 130-A:5-c, unless the child is exempted under RSA 130-A:5-c. If the child, aged 1 to 6 years, has not had a blood lead level test at the time of admission, the child day care agency shall provide and document both notification to the parent or legal guardian that unless exempted by RSA 130-A:5-c, lead testing is required under RSA 130-A:5-a and RSA 130-A:5-c; and the distribution of written or electronic educational materials provided by the New Hampshire***

*department of health and human services on the dangers of lead poisoning and the importance of blood lead level testing for children.* All records regarding children and all facts learned about children and their relatives shall be kept confidential both by the child day care agency and by the department.

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

**Amendment to HB 351-FN  
(2023- 0592h)**

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

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

AN ACT relative to the negligent storage of firearms.

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

1 Purpose. The general court finds that it is in the best interests of child protection and public safety to minimize the occurrence of incidents involving negligent storage of firearms and the corresponding risk of an unsecured weapon falling into the hands of a minor.

2 Negligent Storage of Firearms. Amend RSA 650-C:1 to read as follows:

650-C:1 Negligent Storage of Firearms.

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, "child," "juvenile" or "youth" shall mean any person under 16-years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm~~[-and who knows or reasonably should know that a child is likely to gain access to the firearm]~~ **or an unloaded firearm with unsecured compatible ammunition in such a manner that it is available to a child** without the **supervision or** permission of the child's parent or guardian, is guilty of a ~~[violation]~~ **misdemeanor** if a child gains access to a firearm and:

- (a) The firearm is used in a reckless or threatening manner;
- (b) The firearm is used during the commission of any misdemeanor or felony; ~~or~~
- (c) The firearm is negligently or recklessly discharged;

**(d) The firearm is exhibited or displayed to other minor children who are not members of the child's household or immediate family;**

**(e) The firearm is brought onto the grounds of any building or facility, public or private, accessible to members of the public where other people are present.**

IV. Any person who violates paragraph III shall be ~~[fined not more than \$1,000]~~ **guilty of a misdemeanor. If the child discharges a weapon obtained as a result of gross negligence resulting in the injury or death of the child or of another person, or uses it to commit a felony, such person may be charged with a class B felony.**

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The child's parent or guardian has given written permission to a certified firearms instructor to supervise the child while attending a firearms instruction course.

(c) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(d) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(e) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(f) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(g) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

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

2023-0592h  
AMENDED ANALYSIS

This bill expands the criminal penalties for negligent storage of firearms.

**Amendment to HB 384-FN-A  
(2023- 0421h)**

**Proposed by the Committee on Finance - r**

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

AN ACT relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.

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

1 Appropriation; New Legislative Parking Garage; Razing of Department of Justice Building Located at 33 Capitol Street and Storrs Street Legislative Parking Garage. The sum of \$25,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of administrative services for the purpose of designing, planning, and constructing a new legislative parking garage and razing the existing Storrs Street legislative parking garage and the department of justice building located at 33 Capitol Street. This appropriation shall be nonlapsing. \$2,500,000 of the amount appropriated shall be a charge against the special legislative account in RSA 6:12, I(b)(344). The governor is authorized to draw a warrant for \$22,500,000 out of any money in the treasury not otherwise appropriated.

2 Capital Project Overview Committee. Amend the chapter title of RSA 17-J to read as follows:

CHAPTER 17-J

CAPITAL [BUDGET] **PROJECT** OVERVIEW COMMITTEE

3 Capital Budget Project Overview Committee. Amend RSA 17-J to read as follows:

17-J:1 Committee Established. A joint legislative capital [budget] **project** overview committee is hereby established.

17-J:2 Membership and Organization.

I. The members of the committee shall be:

- (a) Chairperson of the house public works and highways committee;
- (b) Two other members of the house public works and highways committee, appointed by the speaker of the house;
- (c) Three members of the house finance committee, appointed by the speaker of the house;
- (d) Chairperson of the senate capital budget committee; and
- (e) Three other senators appointed by the president of the senate.

I-a. Of the 6 house members on the committee, not more than 5 shall be members of the same party, and of the 4 senate members on the committee, not more than 3 shall be members of the same party.

II. In voting, the members from each house shall vote as a block, casting a single vote. The committee shall elect its own officers.

17-J:4 Duties. The capital [budget] **project** overview committee shall review the status of capital budget projects both during and between legislative sessions. Each state agency with capital budget projects shall report to the department of administrative services, in the format the department of administrative services prescribes, for the quarters ending September 30, December 31, March 31, and June 30. The department of administrative services shall combine these reports and present the summarized report to the capital budget overview committee for review quarterly on the first of November, February, May, and August. The department of administrative services, division of public works design and construction shall, within 90 days of the approval of funding for any capital budget project, submit a timeline or schedule for such project to the capital [budget] **project** overview committee for review.

**17-J:5 Joint Legislative Parking Garage Oversight Commission.**

**I. There is hereby established a joint legislative parking garage oversight commission. Members of the commission shall be as follows:**

- (a) The president of the senate, or designee.**
- (b) One member appointed by the president of the senate, who may be a public member.**
- (c) The speaker of the house of representatives, or designee.**
- (d) One member appointed by the speaker of the house of representatives, who may be a public member.**
- (e) The commissioner of the department of administrative services, or designee.**
- (f) The chairperson of the house public works and highways committee, or designee.**
- (g) The chairperson of the house finance committee, or designee.**

**II. Legislative members appointed to the joint legislative parking garage oversight commission shall be appointed for a term ending when their elected legislative term ends. Legislative members**

*of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. Public members of the commission shall remain until replaced by the appointing authority or upon completion of the legislative parking garage project.*

*III. The legislative parking garage oversight commission shall review the status of the legislative parking garage project at least once every 6 months after the effective date of this section. No changes shall be made in the plan, location, or design of the legislative parking garage unless approved by the legislative parking garage oversight commission.*

*IV. The department of administrative services shall include quarterly reports on the status of the legislative parking garage project in the department's summarized report to the capital project overview committee for review quarterly on the first of November, February, May, and August in accordance with RSA 17-J:4.*

4 Capital Project Overview Committee; Name Change. Amend the following RSA provisions by replacing the term "capital budget overview committee" with "capital project overview committee": 6-B:2, V; 9:26-a; 10:10; 12-A:29-b, V; 12-G:46, III; 14:31-b, I(a); 21-I:80; 21-J:1-b, II; 110-B:28, IV(a); 195-D:5, XVIII; 228:4, I(d); 228:12-a; 228:21, III; 228:109, I(f)-(g); and 282-A:112, V.

5 Repeal. RSA 17-J:5, relative to joint legislative parking garage oversight commission, is repealed.

6 Prospective Repeal. The joint legislative parking garage oversight commission shall be repealed upon the completion of the legislative parking garage on the date as certified by the commissioner of the department of administrative services to the joint legislative parking garage oversight committee, the director of the office of legislative services, and the secretary of state.

7 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

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

2023-0421h

#### AMENDED ANALYSIS

This bill makes an appropriation for the design, planning, construction, and site work for a new legislative parking garage and for the costs for razing the department of justice building.

This bill also renames the capital budget overview committee to be the capital project overview committee and creates the joint legislative parking garage oversight commission.

#### Amendment to HB 400-FN (2023- 0602h)

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

Amend RSA 631:1, 1(e)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) A law enforcement officer who has probable cause to believe that a person has violated this subparagraph may immediately arrest such person, without a warrant, and shall cause such person to be brought before a judge, either in person or otherwise, for a determination of bail.

Amend RSA 631:2, I(g)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) A law enforcement officer who has probable cause to believe that a person has violated this subparagraph may immediately arrest such person, without a warrant, and shall cause such person to be brought before a judge, either in person or otherwise, for a determination of bail.

Amend RSA 631:2-a, I(d)(1) as inserted by section 3 of the bill by replacing it with the following:

(d)(1) After being warned to do so, and where physically possible, refuses to back away from and remain at a distance from a police officer as directed by the officer in the performance of their duty, where a reasonable officer would be in fear of their safety or the safety of a member of the public.

Amend RSA 641:4 as inserted by section 4 of the bill by replacing it with the following:

4 False Reports to Law Enforcement. Amend RSA 641:4 to read as follows:

641:4 False Reports to Law Enforcement.

**I.** A person is guilty of a misdemeanor if he *or she*:

[F.] (a) Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or

[H.] (b) Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he *or she* has no information relating to the offense or danger.

**II.** A person is guilty of a class A misdemeanor if he or she knowingly reports to a law enforcement officer or agency, by word or action, false or baseless information regarding an allegation of criminal misconduct by a law enforcement officer, firefighter, or emergency medical services worker in the performance of such officer's duty.

***III. A person is guilty of a misdemeanor if he or she knowingly reports to a law enforcement officer or agency, by word or action, false or baseless information regarding an allegation of misconduct by a law enforcement officer, firefighter, or emergency medical services worker in the performance of such officer's duty.***

**Amendment to HB 407  
(2023- 0780h)**

**Proposed by the Committee on Commerce and Consumer Affairs – c**

Amend the bill by replacing section 2 with the following:

2 Alcoholic Beverages; Employment; Felon Exception. RSA 179:23, IV is repealed and reenacted to read as follows:

IV. Any corporate officer, member of a limited liability company, limited liability partnership, partnership or sole proprietor shall file an affidavit with the commission at the time of application or change of officers, attesting to the fact that they have not been convicted of a felony. Each licensee shall designate one or more persons to be in charge of the premises. For the purposes of this section, any corporate officer, member of a limited liability company, limited liability partnership, partnership or sole proprietor shall be deemed to be a person in charge of the licensed premises. For the purposes of this section, any designated person in charge of a licensee shall be considered so designated for all licenses held by the licensee. Licensees shall maintain records of all designated persons in charge and shall be made available to the commission upon request. The commission shall adopt rules, pursuant to RSA 541-A, relative to the procedures and criteria necessary for an employee to be designated as a person in charge.

Amend the bill by replacing all after section 4 with the following:

5 Hearings; Investigations. Amend RSA 179:56, III to read as follows:

III.(a) The commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions. ~~[Except as provided in subparagraph (c), the commission shall not suspend or revoke a license until the licensee has been provided a hearing under RSA 541-A.]~~

(b) In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission shall not apply penalties such as license suspensions for indefinite periods of time.

(c) ***In addition to RSA 541-A:30, III***, the commission may suspend, for a period of not more than 24 hours ***without a hearing***, any license issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. Any such suspension shall be approved directly by at least one member of the commission before taking effect.

6 Direct to Consumer Shipments of Alcohol to New Hampshire Residents RSA 178:127-b is repealed and reenacted to read as follows:

178:27-b Direct to Consumer Shipments of Alcohol to New Hampshire Residents.

I.(a) Notwithstanding any other provision of law to the contrary, any business licensed under this chapter as a beverage manufacturer, nano brewery, brew pub, wine manufacturer, liquor manufacturer or beverage distributor may apply for a direct to consumer shipping permit from the commission. The permit shall authorize the holder to sell and deliver alcoholic beverages to consumers 21 years of age or older located within the state of New Hampshire and businesses licensed by the commission for on-sale and off-sale of alcoholic beverages. The permit shall also authorize the licensee to deliver alcohol manufactured or distributed under their license to consumers 21 years of age or older residing in New Hampshire by means of vehicles registered to the New Hampshire licensee and holding a carrier license under RSA 178:14. There shall be no fee to obtain a shipping permit under this section. Nothing in this paragraph shall relieve the licensee of their obligation to comply with the record keeping and reporting requirements of this section when shipping products directly to legal age New Hampshire consumers by means of a third party holding a carrier license under RSA 178:14. Direct to consumer permittees or carriers shall not ship into areas of the state where alcoholic beverages may not be lawfully sold. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

(b) Any individual engaged in the delivery of alcoholic beverages pursuant to this section shall be an employee who regularly receives a W-2 from the licensee and is at least 21 years of age. During deliveries conducted under this section, the person making the delivery shall obtain a signed receipt from the consumer. Consumers who appear visibly intoxicated or who a reasonable and prudent person would know are intoxicated, who do not produce identification verifying the consumer's age, or who fail to sign a receipt shall not be entitled to his or her delivery of alcoholic beverages.

(c) No holder of a direct to consumer shipping permit shall deliver any alcoholic beverages to any college, university, or school, whether public or private, located within the state. No holder of a direct to consumer shipping permit shall deliver any alcoholic beverages to any public library, public playground, or public park.

II. Violations of this section shall be subject to the penalties contained in RSA 179:58.

7 Repeal. The following are repealed:

I. RSA 179:53, II, relative to prohibiting a licensee from altering premises to provide for both on sale and off sale on the same premises.

II. RSA 179:57, I(d), relative to prohibiting any person convicted of a felony from being designated as being in charge of the premises.

III. RSA 178:20, V, relative to the sale of alcohol in the town of Errol.

IV. RSA 178:21, II(a)(4), relative to the sale of alcohol in the towns of Newington, New Hampton, and Landaff.

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

**Amendment to HB 408  
(2023-0577h)**

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

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

1 New Section; Residential Care and Child-Placing Agency Licensing; Immunization Requirements for Foster Family Homes. Amend RSA 170-E by inserting after section 27-a the following new section:

170-E:27-b Immunization Requirements; Foster Family Homes. There shall be no vaccination or immunization requirements required of any children residing in a foster home that exceeds any vaccination or immunization requirements as required by RSA 141-C:20-a, either in type of vaccination or quantity of doses. All children residing in a foster home or household shall have the same rights to claim any exemption from a vaccination or immunization requirement as any other child in the state and the exemptions under 141-C:20-c shall apply to children of any age whose parents desire them irrespective of whether or not they are admitted or enrolled in any public or private school or child care agency. No provision of this subdivision, and no rule adopted by the department governing the licensing of a foster family home, shall impose any vaccination or immunization requirements on any adults residing in a foster family home or household.

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

**Amendment to HB 427  
(2023- 0741h)**

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

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

1 School Board Public Comment Period. Amend RSA 189:74, I to read as follows:

I. School boards shall provide the opportunity for the public to comment on school district matters at a meeting of the school board held under RSA 91-A:2. ~~[The public comment period shall be for no less than 30 minutes.]~~ ***Public comment periods shall be provided for public input for agenda items before board action is taken and shall also be provided for non-agenda items of community interest. Each public comment period shall be for no less than 30 minutes unless comments are completed earlier. Speakers shall be permitted to speak for no less than 3 minutes.*** School boards may request that persons register in advance of the meeting, but may not require pre-registration as a condition of participating in the public comment period. School boards may impose reasonable time limits for each speaker, provided such time limits are equal for all speakers. Nothing in this section shall restrict school boards from establishing other reasonable standards for the public comment period, provided such standards are imposed equally for all speakers. School boards may reasonably restrict public comments that disclose student personally-identifiable information, teacher personally-identifiable information, or other confidential or privileged information.

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

2023-0741h

AMENDED ANALYSIS

This bill requires public meetings held by a school board to include a designated time period for questions from the public and answers from the board before board action is taken, and requires speakers be given a minimum of 3 minutes to speak.

**Amendment to HB 431  
(2023- 0755h)**

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

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

1 Use of Therapeutic Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IV to read as follows:

IV. "Cultivation location" means a locked and enclosed site, under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter, ***or under the control of a qualifying patient or designated caregiver where cannabis is cultivated and which meets the requirements of this chapter.***

2 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, VI to read as follows:

VI. "Designated caregiver" means an individual who:

(a) Is at least 21 years of age;

(b)(1) Has agreed to assist with one or more (not to exceed 5) qualifying [patient's] *patients in the* therapeutic use of cannabis, except if the qualifying patient and designated caregiver each live greater than 50 miles from the nearest alternative treatment center, [~~in which case~~] the designated caregiver may assist with the therapeutic use of cannabis for up to 9 qualifying patients; **or**

**(2) Has agreed to cultivate cannabis for therapeutic use pursuant to this chapter for no more than one qualifying patient;**

(c) Has never been convicted of a felony or any felony drug-related offense; and

(d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

3 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1 by inserting after paragraph VI-a the following new paragraphs:

VI-b. "Immature cannabis plant" means a cannabis plant that has not flowered and which does not have buds that may be observed by visual examination and which is at least 12 inches tall.

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

4 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, XIII(c) to read as follows:

(c) Cultivation by a designated caregiver or qualifying patient, **except as provided under RSA 126-X:2, II-a and II-b.**

5 New Paragraphs; Use of Therapeutic Cannabis Purposes; Protections. Amend RSA 126-X:2 by inserting after paragraph II the following new paragraphs:

II-a. Except as provided in RSA 126-X:3, VII(b), a qualifying patient or designated caregiver who has reported to the department a cultivation location that meets the requirements of this chapter, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if, at the cultivation location, while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department with the prior 21 days, or while transporting cannabis seedlings from an alternative treatment center to the cultivation location, the qualifying patient or designated caregiver possesses or cultivates an amount of cannabis that does not exceed the following:

(a) Eight ounces of usable cannabis;

(b) Any amount of unusable cannabis; and

(c) Three mature cannabis plants, 3 immature cannabis plants, and 12 seedlings.

II-b. A cultivation location under the control of a qualifying patient or designated caregiver shall meet the following requirements:

(a) It shall be at the qualifying patient's or designated caregiver's residence.

(b) It shall be reported to the department, except that either the qualifying patient or their designated caregiver, but not both, shall report a cultivation location to the department.

(c) It shall be locked and enclosed.

(d) The cannabis plants shall not be subject to public view, including from another private property, without the use of optical aids.

(e) It shall have a canopy of no more than 50 square feet, except that if more than one qualifying patient, designated caregiver, or both, share a cultivation location, the total canopy of all cannabis plants shall not exceed 100 square feet.

6 Use of Therapeutic Cannabis; Purposes; Protections. Amend RSA 126-X:2, III to read as follows:

III. A designated caregiver may receive compensation for costs, **not to exceed \$500 per calendar year**, not including labor, associated with assisting a qualifying patient who has designated the [designated] caregiver to assist him or her with the therapeutic use of cannabis. Such compensation shall not constitute the sale of [~~controlled substances~~] **a controlled drug pursuant to RSA 318-B.**

7 Use of Therapeutic Cannabis; Protections. Amend RSA 126-X:2, XV to read as follows:

XV. A laboratory, **and the employees thereof**, which conducts testing of cannabis [~~required under rules for~~] **delivered to it by** alternative treatment centers, [~~adopted under this chapter, and the employees thereof~~] **qualifying patients, or designated caregivers**, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any right or privilege for working for such a laboratory.

8 Use of Therapeutic Cannabis; Prohibitions and Limits. Amend RSA 126-X:3, I to read as follows:

I. A qualifying patient may use **and a qualifying patient or designated caregiver may cultivate** cannabis on privately-owned real property only with written permission of the property owner or, in the case of leased property, with the permission of the tenant in possession of the property, except that a tenant shall



not allow a qualifying patient to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. ***A tenant or guest of a tenant shall not cultivate cannabis on rented property if the lessor has prohibited therapeutic cannabis cultivation.*** However, a tenant may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

9 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, I by inserting after subparagraph (h) the following new subparagraph:

(i) The qualifying patient's cultivation location, if any.

10 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, II by inserting after subparagraph (h) the following new subparagraph:

(i) The designated caregiver's cultivation location, where he or she may cultivate cannabis on behalf of a single qualifying patient who has not reported a cultivation location.

11 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, IX(a) to read as follows:

IX.(a) A qualifying patient shall notify the department before changing his or her designated caregiver ***or cultivation location. A designated caregiver shall notify the department before changing his or her cultivation location.***

12 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, XI to read as follows:

XI.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, effective date of ***the*** registry identification ***card***, date of registry identification card expiration, [and] random 10-digit identification number, ***and cultivation location, if any.*** The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers and alternative treatment centers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the therapeutic use of cannabis.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe cannabis is possessed ***or cultivated*** at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or cultivation location [~~of an alternative treatment center~~].

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe a specific individual possesses ***or cultivates*** cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Requests by law enforcement officials under this section to the department pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name or address was found in the registry, shall be confidential under this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does not contain any identifying information regarding the specific law enforcement request.

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has reason to believe the information is false or falsified.

13 New Paragraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4 by inserting after paragraph XII the following new paragraph:

XIII.(a) No later than December 1, 2023, the department shall allow existing and new qualifying patients and designated caregivers to report a cultivation location provided that:

(1) A qualifying patient may report a cultivation location only if he or she does not have a designated caregiver who has reported a cultivation location.

(2) A designated caregiver may report a cultivation location only if he or she does not have a qualifying patient who has reported a cultivation location.

(b) No individual shall report a cultivation location if such individual's permission to cultivate has been revoked pursuant to RSA 126-X:3, VIII(b).

14 Use of Therapeutic Cannabis; Affirmative Defense. Amend RSA 126-X:5, I to read as follows:

I. It shall be an affirmative defense for any person charged with manufacturing, possessing, having under his or her control, selling, purchasing, prescribing, administering, transporting, or possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis;

(b) The actor is a designated caregiver who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient; ~~or~~

(c) The actor is an employee of a laboratory conducting testing required for alternative treatment centers pursuant to rules adopted under this chapter ***or that tests cannabis provided to it by qualifying patients and designated caregivers; or***

***(d) The actor is a person with a qualifying medical condition who does not possess a registry identification card and, prior to the arrest, the actor submitted to the department a completed application to become a qualifying patient, including a written certification, but the actor had not yet received a registry identification card from the department, provided that the actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, I.***

15 New Subparagraph; Use of Therapeutic Cannabis; Alternative Treatment Centers. Amend RSA 126-X:8, XIII by inserting after subparagraph (c) the following new subparagraph:

(d) A qualifying patient or designated caregiver shall not obtain from an alternative treatment center more than 12 seedlings during a 3-month period.

16 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limits. Amend RSA 126-X:3, VII to read as follows:

VII.(a) The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of rules adopted by the department or for violation of any other provision of this chapter, including for obtaining more than 2 ounces of cannabis in any 10-day period in violation of RSA 126-X:8, XIII(b), and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

***(b) The department may revoke a qualifying patient's or designated caregiver's permission to cultivate cannabis for a violation of the rules adopted by the department or for a violation of any provision of this chapter.***

17 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(a) to read as follows:

XV.(a)(1) An alternative treatment center shall not possess or cultivate cannabis in excess of the following quantities:

~~(1)~~ (A) Eighty ***mature*** cannabis plants, 160 ~~[seedlings]~~ ***immature cannabis plants***, and 80 ounces of usable cannabis ~~[-or 6 ounces of usable cannabis per qualifying patient]; and~~

~~(2)~~ (B) Three mature cannabis plants, 12 ~~[seedlings]~~ ***immature cannabis plants***, and 6 ounces ***of usable cannabis*** for each qualifying patient registered ~~[as a qualifying patient]~~ under this chapter.

***(2) An alternative treatment center shall not be limited in the number of seedlings it can possess or cultivate.***

18 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, III(a)(15) to read as follows:

(15) Procedures for determining and enforcing the daily maximum amount of therapeutic cannabis which an alternative treatment center may cultivate or possess pursuant to RSA 126-X:8, XV(a)(1).

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

**Amendment to HB 442-FN  
(2023- 0709hh)**

**Proposed by the Majority of the Committee on Fish and Game and Marine Resources – r**

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

AN ACT establishing a scuba diver recreational lobster license and relative to lobster trap location tracking.

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

1 New Paragraphs; Lobsters and Crabs; Scuba Diver Recreational Lobster License. Amend RSA 211:18 by inserting after paragraph II-a the following new paragraphs:

II-b.(a) A person who is a resident of this state and wishes to engage in scuba diving or freediving, also known as skin diving, as a recreational activity, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a scuba diver recreational lobster license issued by the executive director. The executive director shall limit the number of scuba diver recre-

ational lobster licenses to 100 beginning with the calendar year this paragraph becomes effective. Licenses shall be issued on a first-come, first served basis from the date the executive director establishes as the time when licenses can be issued.

(b) The executive director shall establish the fee for the scuba diver recreational lobster license which shall be credited to the derelict fishing gear and coastal cleanup fund established in RSA 211:77.

(c) The executive director shall establish the scuba diver recreational lobster season from April 1 through September 15, and a scuba diver recreational lobster license shall be valid for not less than 4 weeks during such season.

(d) The license shall consist of letters and or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(e)(1) The executive director shall establish a limit on the number of lobsters taken per day by a scuba diver holding a license under this paragraph, provided such limit shall not be less than 3 lobsters per day per licensee, unless a lower industry-wide limit is established. Lobsters shall be taken only for the consumption by the licensee and the licensee's family and guests.

(2) The executive director shall establish zones where the scuba diver recreational lobster license holders may harvest lobsters during the established season. All areas outside the zones shall be restricted to harvesting of lobsters by those with a scuba diver recreational lobster license. All zones where lobsters may be harvested by scuba divers shall be adjacent to the shoreline and in an area accessible for both parking and water access and which may already be frequented by divers actively harvesting crab or other legal shellfish. The executive director may determine if the area shall be exclusive to scuba diving recreational lobster license holders or open to all those with lobster licenses, including commercial and/or non-commercial 5 pot license holders.

(f) No person holding the scuba diving recreational lobster license shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(g) All lobsters taken under a scuba diver recreational lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing.

(h) The scuba diver recreational lobster license shall not be transferred to any other person.

(i) The executive director shall adopt rules, pursuant to RSA 541-A, to implement the requirements of this paragraph, provided such rules conform with requirements applicable to non-commercial 5 pot licenses and commercial lobster license holders.

(j) The executive director shall submit a report to the chairpersons of the house and senate committees with the jurisdiction over scuba diving recreational lobster licensing. The report shall include the total number of lobsters reported taken by year by non-commercial scuba diving license holders, the total number of non-commercial scuba diving lobster licenses issued, the number of violations issued, the number of investigations detailed by source, such as public complaint, commercial lobsterman complaint, diver complaint, conservation officer complaint. The executive director shall submit the report within 5 years of the effective date of this paragraph, and every 5 years thereafter.

II-c. Any person who applies for an initial non-commercial license to take lobster shall acknowledge and agree:

(a) That he or she has read and understood the New Hampshire Guide to E-Regulation for lobster.

(b) That he or she knows where lobsters may be legally taken with a scuba diving non-commercial license.

(c) That he or she knows identification techniques for what constitutes a male and female lobster as well as a legal lobster for taking.

(d) That he or she knows how to register details of lobster taking, including information on how to access and register a catch using the online lobster registration system created under paragraph II- and II-e of this section.

(e) That he or she knows the procedure for reporting and identifying abandoned fishing gear which is encountered to the fish and game department.

(f) The procedure for notching the tail of the egg bearing female lobster and releasing such lobster.

(g) The prohibition on interference with lobstering equipment not owned by a diver except under RSA 211:32-a.

II-d. The executive director may use federal funds to create and administer an educational course regarding permissible scuba diving lobster activities. The course may be offered by the executive director or by dive shops or dive instructors approved by the executive director. The course shall include:

(a) Information on preserving the health of the lobster in the process of taking the lobster.

(b) A review of the New Hampshire guide to e-regulation for lobster which includes identification of what constitutes a legal lobster for taking in New Hampshire.

(c) Where and how to confirm the locations where lobster may be legally taken in New Hampshire.

(d) How to register details of lobster taking, including information on how to access and register a catch using the online lobster registration system created under paragraph II-e of this section.

(e) The procedure for reporting and identifying abandoned fishing gear which is encountered in the process of taking lobster to the fish and game department.

(f) The procedure for notching the tail of the egg bearing female lobster and releasing such lobster.

(g) The prohibition on interference with lobstering equipment not owned by a diver except under RSA 211:32-a.

(h) Other topics the executive director deems important to convey to divers, dive shop owners, dive instructors, and those involved in the lobstering industry.

(i) Statistics regarding the ecological impact of derelict fishing gear.

II-e. The executive director shall create an electronic or paper registration system for scuba divers and free divers who possess a license under this section to register their catch total, and the sex and weight of each lobster taken, within 12 hours of the taking. The system shall be accessible for use on the fish and game website and shall be capable of allowing registration information to be submitted online.

2 New Section; Lobster Trap; Location Tracking. Amend RSA 211 by inserting after section 32 the following new section:

211:32-a Lobster Trap; Location Tracking. Any person who holds a license to take lobster under RSA 211:49-a, RSA 211:49-aa, RSA 211:49-b, or RSA 211:49-c shall keep a written log of the coordinates and location where a lobster trap is released and the date such trap is released. Should a lobster trap become unattached from a surface buoy or become irretrievable by normal fishing methods, the person holding the license shall make a good faith effort to retrieve the trap, within 60 days of discovering such detachment, by using any methods that are minimally disruptive to the ocean floor. The log which shall be produced on the demand of any conservation officer, shall contain the method used to attempt retrieval of such trap and whether that method was successful or unsuccessful. The fish and game department shall adopt rules under RSA 541-A establishing fines for violations of this section.

3 Limitations; Exceptions. Amend RSA 211:31, I to read as follows:

I. ***For traps that are attached and retrievable***, no person, except the owner, ***someone authorized by the owner***, ~~or~~ a conservation officer, ***or a person authorized by the department***, shall take up, lift, molest, have in his possession, or transfer any pot, trap, car or other contrivance that is set for the taking or holding of lobsters or crabs, nor take, remove or carry away from the beach or shore, any such pot, trap, car or other contrivance or warp or buoy without the written permission of the owner. In addition to the penalty for violation of this section, said person, if he holds a license, shall lose said license for one year.

***I-a. Any person who identifies a pot, trap, car or other contrivance that is set for the taking or holding of lobsters or crabs if such item is unattached to a buoy and/or irretrievable by normal fishing methods shall report the location of a pot, trap, car, or other contrivance to the fish and game department as soon as possible. Such person may release the animals in a pot, trap, car, or other contrivance that is unattached to a buoy and/or otherwise irretrievable by normal fishing methods. Under no circumstances may the animals released be kept. If such trap is on the shore, such person may collect the trap and shall return the trap either to the owner of the trap or the department. The department may charge the owner of the unattached trap a fee to be set in rules. All fees collected under this paragraph shall be deposited into the derelict fishing gear and coastal cleanup fund established in RSA 211:77. If a person identifies an unattached pot, trap, car, or other contrivance in the water, such person shall not remove the pot, trap, car, or other contrivance unless authorized to do so by the owner or a conservation officer from the department of fish and game.***

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

2023-0709h

#### AMENDED ANALYSIS

This bill establishes a scuba diver recreational lobster license.

This bill also requires persons lobstering with a commercial license to record the location of where a lobster trap is placed and make a good faith effort to retrieve such trap if it becomes detached from its buoy.

#### Amendment to HB446 (2023- 0777h)

#### Proposed by the Committee on Education – c

Amend RSA 194-B:4, III as inserted by section 1 of the bill by replacing it with the following:

III. The scholarship organization shall ensure that parents of students with disabilities receive ~~[notice that participation in the EFA program is a parental placement under 20 U.S.C. section 1412, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights that parentally placed students possess and waive under IDEA and any applicable state laws]~~ ***a written explanation of their rights to***

*services pursuant to federal and state law specific to the education options available in the EFA program. The explanation shall be developed and maintained by the department of education, bureau of special education support.*

**Amendment to HB 452**

**(2023- 1017h)**

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

Amend RSA 198:15-b, I(b)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Funds received from federal grants or grants from other state programs shall be subtracted from total project costs when computing grants under this paragraph.

Amend RSA 198:15-c as inserted by section 1 of the bill by replacing it with the following:

198:15-c Approval of Plans; Specifications, and Costs of Construction or Purchase.

I.(a) A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall submit schematic design plans, cost estimates, and other items determined by the department of education for an eligible school construction project prior to the start of the construction. Projects with approval from the school district's legislative body to construct, not subject to receiving building aid, are not eligible.

(b) Beginning January 1, 2025 and each year thereafter, to be considered for a school building aid grant, the complete building aid application shall be submitted no later than April 1 of the fiscal year that immediately precedes the fiscal year in which the school desires to seek the district's legislative body's approval for construction. The application shall include at a minimum, schematic design plans, cost estimates, educational needs assessment, existing facility conditions assessment including, but not limited to a review of the mechanical, electrical, plumbing, and structural components of the building, proof of an annual school budget to support good maintenance, and other documentation as required by the department and identified in the department's school building construction rules.

(c) As deemed appropriate, emergency projects that are recommended by the commissioner of education shall be addressed on a case-by-case basis by the state board of education at any time during the school year. A school construction project requiring the replacement of all or a significant portion of a school facility which is declared uninhabitable or is identified as an imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which results from an unanticipated and sudden natural or human disaster, shall qualify as an emergency project.

II.(a) The commissioner shall accept school building aid grant applications based upon completeness and submit a preliminary school building aid grant list, with applications ranked in accordance with subparagraph II(b) and rules of the department, to the school building authority established pursuant to RSA 195-C by August 1 each year. The school building authority shall verify the ranking submitted by the commissioner and submit a list in descending rank order to the state board of education for approval. If the ranking submitted to the school building authority differs from the preliminary school building aid grant list, the school building authority shall justify the new ranking using the same criteria in subparagraph II(b) and in rules of the department. The school building authority shall submit the school building aid rank order listing with written report of findings to the state board no later than October 15, each year. The state board of education shall verify the ranking submitted by the school building authority. If the ranking submitted to the state board of education differs from the preliminary school building aid grant list submitted by the commissioner, the state board of education shall justify the new ranking using the same criteria in subparagraph II(b) and rules of the department. The state board of education shall approve and publish the descending rank order list of approved eligible school construction projects by November 15 each year. School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded within 10 days of approval. The project rating system and criteria used to rate project applications which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and approved by the state board of education.

(b) The commissioner of the department of education shall accept school building construction proposals based upon completeness. The department of education shall consider and score each proposal based on the following criteria:

- (1) Unsafe conditions.
- (2) Facilities not in compliance with the Americans With Disabilities Act, or obsolete, inefficient, or unsuitable facilities or mechanical and building systems.
- (3) Overcrowding and associated influences to instructional areas and programming.
- (4) Enrollment projections and population shifts.
- (5) A school district's fiscal capacity based on measurable criteria such as the percentage of pupils eligible for free and reduced price meals.
- (6) School security design and integration of security systems.
- (7) The project contributes to operational cost efficiencies, consolidation, or reduced property taxes.

(8) High performance of design that provides environments that are energy and resource efficient. Energy and resource efficient designs are those that improve indoor air quality, air temperature, or water quality; reduce heating costs; provide better lighting; and increase average attendance.

(9) Any other criteria that the state board of education may determine are necessary.

(c) Except as provided in subparagraph (d), applications on the approved ranked list the previous fiscal year, including the school construction projects on the descending rank order list approved by the state board of education on November 10, 2022, but did not receive a grant due to insufficient funds in the previous fiscal year, shall be ranked ahead of any application that was not on the list in the previous fiscal year provided that construction of the project has not started.

(d) Applications with critical needs pursuant to subparagraph II(b) and substantial deficiencies, as defined by the department of education's school construction rules, may be ranked ahead of applications received in the prior fiscal year.

(e) Projects that did not receive approval from the school district's legislative body may resubmit those projects to the department for future consideration.

III. A school district that accepts school building aid for construction shall engage the services of a project manager for construction or reconstruction projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The school district's project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the school district's project manager.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-5 to read as 3-6, respectively:

2 New Paragraph; School Building Aid; Definition Added. Amend RSA 198:15-a by inserting after paragraph I the following new paragraph:

I-a. For purposes of this subdivision, "school district" means any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22.

**Amendment to HB 457-FN  
(2023- 0898h)**

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

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

1 New Subparagraph; Investment of Funds; State Treasurer; Conditions. Amend RSA 6:8, II by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding the other provisions of this paragraph, all investments and their management shall be governed by the fiduciary duty to maximize benefits for the state or the beneficiaries of the state's trust funds managed by the treasurer. The treasurer shall report on a quarterly basis to the office of legislative budget assistant regarding compliance with the duty to make investment decisions based upon the fiduciary duty to maximize short or long term financial benefits for the state. The report shall note the existence of any investment funds that may have mixed, rather than pure, fiduciary interest investment motivations.

2 Retirement System; Management of Funds. Amend RSA 100-A:15, VIII to read as follows:

VIII.(a) The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

**(b) *The independent investment committee and the board of trustees shall report on a quarterly basis to the office of legislative budget assistant regarding compliance with the duty to make all investment decisions solely in the interest of the participants and beneficiaries of the state retirement system. The report shall note the existence of any investment funds that may have mixed, rather than sole, interest investment motivations.***

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

2023-0898h

AMENDED ANALYSIS

This bill requires the state treasurer and the retirement system to report quarterly on the motivations of funds, especially those that have environmental social, political, or ideological interests.

**Amendment to HB 461-FN  
(2023- 0782h)**

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

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

AN ACT relative to elimination by political subdivision employers of a retirement system position.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Participation by Certain Employees of Political Subdivisions; Contributions. Amend RSA 100-A:24 by inserting after paragraph IV the following new paragraph:

V.(a) For positions listed in subparagraph (b), no political subdivision employer shall eliminate a retirement system eligible employment position or transfer a retirement system eligible employment position into a part-time position without an analysis from the retirement system as to the unfunded liability for that position. The salary used for this analysis will be the greatest salary going back 5 years. The employer unfunded accrued liability portion of the contributions determined under RSA 100-A:16 shall continue to be charged to the political subdivision employer, plus a 20 percent penalty. The duration of the penalty shall be 15 years unless the position is restored to a retirement system contributing position, then the penalty shall be terminated and the normal calculation for retirement system contributions shall be restored.

(b) Subparagraph (a) shall apply to superintendent, principal, police chief, fire chief, director, administrator, and the like.

2023-0782h

AMENDED ANALYSIS

This bill requires political subdivision employers to obtain an analysis from the retirement system and continue to pay unfunded accrued liability contributions when eliminating or transferring an employment position from full time to part time.

**Amendment to HB 479**

**(2023- 0206h)**

**Proposed by the Committee on Commerce and Consumer Affairs – c**

Amend the bill by replacing section 2 with the following:

2 Administration Fund. Amend RSA 400-A:39, VIII to read as follows:

VIII. The commissioner shall perform the calculations required by this section and notify each insurer of the insurer's assessment payable under this section as soon as practicable after July 1 of each year. *The commissioner shall provide notice to the insurer by electronic means as specified by the commissioner. The notice shall be deemed to have been given when emailed to the insurer at the insurer's email address on file with the department. The copy of the email shall be prima facie evidence that notice has been provided.*

**Amendment to HB 516-FN**

**(2023- 0728h)**

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

Amend RSA 188-J:4 as inserted by section 1 of the bill by replacing it with the following:

188-J:4 Remedies. Any person or student organization aggrieved by a violation of this chapter may bring an action against the public institution of higher education and its employees acting in their official capacities, responsible for the violation and seek appropriate relief, including, but not limited to, injunctive relief, monetary damages, reasonable attorneys' fees, and court costs. Any person or student organization aggrieved by a violation of this chapter may assert such violation as a defense or counter claim in any disciplinary action or in any civil or administrative proceedings brought against such student or student organization. Nothing in this section shall be interpreted to limit any other remedies available to any person or student organization.

**Amendment to HB 520**

**(2023- 0811h)**

**Proposed by the Committee on Commerce and Consumer Affairs – c**

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

1 Nondepository Mortgage Bankers, Brokers, and Servicers; Escrow Accounts. Amend RSA 397-A:9, IV to read as follows:

IV. Persons subject to this chapter that require or accept moneys for deposit in escrow accounts maintained for the payment of taxes or insurance premiums related to loans on single family homes secured by real estate mortgages on property located in New Hampshire shall ~~[credit each such escrow account with interest on all existing and future escrow accounts at a rate set for a 6-month period by the commissioner on February 1 and August 1 of each year which shall be one percent below the mean interest rate paid by New Hampshire-chartered depository banks on regular savings accounts. The commissioner shall post the rate on the department's website]~~ *pay interest on the moneys so held in such accounts. During the six-month period beginning on April 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of January of the same year by the Federal Deposit Insurance Corporation. During the six-month period beginning on October*

**1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of July of the same year by the Federal Deposit Insurance Corporation.**

2 Loans and Investments. Amend RSA 383-B:3-303, (a)(7)(E) to read as follows:

(E) Any depository bank which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes or insurance premiums related to loans on property secured by real estate mortgages shall ~~[credit each escrow account with interest at a rate no lower than the highest target federal funds interest rate in the range set by the Federal Open Market Committee, minus one percent]~~ **pay interest in the moneys so held in such accounts. During the six-month period beginning on April 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of January of the same year by the Federal Deposit Insurance Corporation. During the six-month period beginning on October 1 of each year, such interest shall be paid at a rate of not less than the National Deposit Rate for Savings Accounts as published in the month of July of the same year by the Federal Deposit Insurance Corporation.**

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

**Amendment to HB 530-LOCAL  
(2023- 1019h)**

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

Amend the bill by replacing section 1 with the following:

1 Cooperative School Districts; Vote on Withdrawal. Amend RSA 195:29 to read as follows:

195:29 Vote on Withdrawal. If the state board approves the plan for withdrawal, the board shall cause the withdrawal plan to be published once in some newspaper generally circulated within the cooperative school district. Upon receipt of a written notice of the board's approval of the withdrawal agreement, the school board of the cooperative district shall cause the withdrawal plan to be filed with the clerk of the cooperative school district and submitted to the voters of the district as soon as may reasonably be possible at an annual or special meeting called for the purpose, the voting to be by ballot with the use of the checklist, after reasonable opportunity for debate in open meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

“Shall the school district accept the provisions of RSA 195 (as amended) providing for the withdrawal of the preexisting district of \_\_\_\_\_ from the \_\_\_\_\_ cooperative school district in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?”

Yes \_\_\_\_\_ No \_\_\_\_\_

**I.** If a majority of voters present and voting in the withdrawing preexisting district vote ***in the negative***, against withdrawal, then the withdrawal process is terminated.

**II.** If a majority of the voters present and voting in the withdrawing preexisting district shall vote in the affirmative, ***in favor of withdrawal*** and a majority of the voters present and voting in the entire cooperative district shall vote in the affirmative, ***in favor of withdrawal***, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting.

**III.** ***If a 3/5 supermajority of the voters present and voting in the withdrawing preexisting district vote in the affirmative, in favor of the withdrawal, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting unless a 3/5 supermajority of the voters present and voting in the entire cooperative district vote in the negative, against withdrawal.***

**IV.** If the ***state board of education*** finds that a majority of the voters present and voting, ***in the withdrawing preexisting district and the entire cooperative district, or by the alternative supermajority vote under paragraph III***, have voted in favor of the withdrawal plan, it shall issue its certificate to that effect and such certificate shall be conclusive evidence of the withdrawal of the preexisting district and the continuation of the cooperative school district as of the date of its issuance, or the dissolution of a 2-district cooperative if the cooperative was formed by 2 preexisting districts~~[- provided, however, that].~~ A withdrawal plan shall be prepared ~~[for a 2-district cooperative]~~ and it shall provide for the disposition of property held within the cooperative and a statement of assumption of liabilities. ~~[If a majority of voters present and voting reject the plan, the withdrawing district shall have the right to appeal such vote to the state board of education. The state board shall upon receipt of such appeal investigate and report back to the district on its findings and recommendations; and this report may require that there will be another special meeting for a vote of reconsideration.]~~

**Amendment to HB 532-FN  
(2023- 0480h)**

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

Amend RSA 326-M:1, V as inserted by section 1 of the bill by replacing it with the following:



V. “Music therapist” or “licensed professional music therapist” means a person licensed to practice music therapy pursuant to this chapter.

Amend RSA 326-M:1, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) “Practice of music therapy” includes:

- (1) Accepting referrals for music therapy services from:
  - (A) Medical, developmental, mental health, or education professionals;
  - (B) Family members;
  - (C) Clients;
  - (D) Caregivers; or
  - (E) Others involved with the provision of and authorized to provide client services;
- (2) Collaborating with a client’s treatment team to review the client’s diagnosis, treatment needs, and treatment plan before providing music therapy services to a client for an identified clinical or developmental need;
- (3) Collaborating with the individualized family service plan team or individualized education program team to review the student’s diagnosis, treatment needs, and treatment plan before providing music therapy services to a student for an identified educational need in a special education setting.
- (4) Collaborating with a client’s treatment team, including the client’s physician, psychologist, licensed clinical social worker, or other mental health professional, during the provision of music therapy services to the client;
- (5) Collaborating with and discussing the music therapy treatment plan with the audiologist or speech-language pathologist of a client with a communication disorder during the provision of music therapy services so that a music therapist may work with the client and address communication skills;
- (6) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;
- (7) Developing an individualized music therapy treatment plan for a client that is based on the music therapy assessment;
- (8) Implementing an individualized music therapy treatment plan that:
  - (A) Is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, or wellness care or educational services being provided to a client; and
  - (B) Does not replace the services provided by an audiologist or a speech–language pathologist;
- (9) Evaluating a client’s response to music therapy and the individualized music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;
- (10) Developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with a client, the client’s physician or another provider of health care or education for the client, an appropriate member of the client’s family, and any other appropriate individual on whom the client relies for support;
- (11) Minimizing any barriers to ensure that a client receives music therapy services in the least restrictive environment;
- (12) Collaborating with and educating a client, the family or caregiver of the client, or any other appropriate individual about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs; and
- (13) Using appropriate knowledge and skills, including research, reasoning, and problem–solving skills, to inform practice and determine appropriate actions in the context of each specific clinical setting.

Amend RSA 326-M:2, III as inserted by section 1 of the bill by replacing it with the following:

III. An individual licensed under this chapter may not represent to the public that the individual is authorized to treat a communication disorder. Unless authorized to practice speech-language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech language, communication, and swallowing disorders and conditions. Nothing in the section may be construed to prohibit an individual licensed under this chapter as a music therapist from representing to the public that the individual may work with a client who has a communication disorder and address communication skills.

**Amendment to HB 539  
(2023- 0706h)**

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

Amend RSA 200:64, I as inserted by section 1 of the bill by replacing it with the following:

I. No public elementary or secondary school or chartered public school shall conduct a vaccination clinic at any time during school hours, or within 1 hour of the beginning or end of the school day.

**Amendment to HB 550-FN  
(2023- 0624h)**

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

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

AN ACT establishing a committee to study chartered public school dissolution.

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

1 Committee Established; Chartered Public School Dissolution. There is established a committee to study the current chartered public school dissolution process and identify ways to ensure an orderly school closure that will support students, avoid insolvency, and reduce liability to the school and the state.

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

(a) Four members of the house of representatives, at least 2 of whom are from the education committee, appointed by the speaker of the house of representatives.

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

II.(a) The committee shall seek the expertise and advice from:

(1) A financial administrator (employee or contractor), preferably a CPA, for a charter school, nominated by the commissioner of education.

(2) The administrator of the department of education's chartered public school office.

(3) A representative of the charitable trust unit of the department of justice.

(4) The commissioner of the department of administrative services, or designee.

(5) Any other person or entity relevant to the duty of the committee.

(b) Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the following issues related to the operation of chartered public schools, which are recognized by the state as both private non-profit organizations and public schools:

(a) Existing federal and state statutes and rules related to financial and risk management, and dissolution including the disposal of property, inventory and monetary assets.

(b) Identification of all state agencies that do, or should, have responsibilities related to the monitoring of financial status and practices, maintenance of fiscal solvency, and the dissolution process.

(c) Financial liability of the state, school districts, and the employees, boards, parents and volunteers of chartered schools.

(d) Current practices and best practices for schools and state agencies, related to maintenance of financial stability, risk management, and the dissolution process of chartered schools.

(e) Non-financial issues related to dissolution including, but not limited to, notification of closure, placement of students and retention of academic records.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairs of the education committees in both the house of representatives and senate, the house clerk, the senate clerk, the governor, and the state library on or before December 15, 2023.

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

2023-0624h

AMENDED ANALYSIS

The bill establishes a committee to study the chartered public school dissolution process.

**Amendment to HB 552-FN-A-LOCAL  
(2023- 0798h)**

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

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

1 Education Achievement Incentive Grants; Appropriation.

I. The sum of \$500,000 is appropriated to the commissioner of the department of education for the purpose of rewarding schools which demonstrate measurable improvement regarding designated standardized mathematics test scores. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of education shall award amounts not to exceed \$25,000 to schools which document improvements to student performance in mathematics test scores on the statewide education improvement and assessment program under RSA 193-C:6. The department shall determine criteria to qualify for awards to take into account differences such as grade level, school size, and other applicable data.

III. The funds for incentive grants shall not lapse and shall remain under the administration of the department until such time as all funds are awarded. If more than 20 schools qualify in the first year, the 20 schools with the greatest improvement shall be granted the awards. After the initial year, awards shall be made to schools in the order that they document qualifying data, until such time as the funds are exhausted.

IV. The commissioner of the department of education shall communicate with school districts and shall adopt such administrative arrangements under RSA 541-A as necessary to implement this section.

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

2023-0798h

AMENDED ANALYSIS

This bill appropriates \$500,000 to the department of education for the commissioner of education to award to school districts that improve on mathematics test scores in statewide assessments.

**Amendment to HB 572-FN  
(2023- 0904h)**

**Proposed by the Majority of the Committee on Education – r**

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

1 Schools; Food and Nutrition Programs; School Lunch Eligibility. Amend RSA 189:11-a, I to read as follows:

I. **(a)** Each school board shall make at least one meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost ~~or at a reduced cost to any child who meets federal income eligibility guidelines~~ **to any child whose annual household income is less than or equal to 300 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2).** The state board of education shall ensure compliance with this section and shall establish minimum nutritional standards for such meals as well as income guidelines set for the family size used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school.

**(b) All costs for the school meals program under subparagraph (a) in addition to sums allocated under RSA 186:13, XI, shall be funded by disbursements from the department of education to the school districts, made from funds appropriated for such purpose from the education trust fund. The amount necessary to fund this paragraph is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this paragraph.**

2 Education Trust Fund; School Meals. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts and to approved charter schools pursuant to RSA 198:42, to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, to distribute school building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b, to distribute tuition and transportation funds to school districts for students attending career and technical education programs pursuant to RSA 188-E:9, to distribute special education aid to school districts pursuant to RSA 186-C:18, to fund department of education operating costs for a state student data collection and reporting system, **to fund disbursements for school meals under RSA 189:11-a**, and to fund kindergarten programs as may be determined by the general court

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

2023-0904h

AMENDED ANALYSIS

This bill increases the eligibility for free school meals to household incomes up to 300 percent of federal poverty guidelines, and provides funding from the education trust fund for the additional costs.

**Amendment to HB 573-FN-LOCAL  
(2023- 0774h)**

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

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

1 Education Freedom Accounts Program; Funding. Amend RSA 194-F:11 to read as follows:

194-F:11 Appropriation ~~[From Education Trust Fund]~~; **Funding**. The ~~[amount necessary]~~ **amounts** to fund ~~[any]~~ grants or transfers of funds authorized under this chapter ~~[is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the comptroller shall trans-~~

~~fer sufficient funds from the general fund to eliminate such deficit. The commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of any grant or transfer of funds authorized under this chapter]~~ ***shall be made from general funds appropriated in the biennial state operating budget for such purposes. Payments under this chapter shall not exceed the amounts appropriated for such purposes in the biennial state operating budget.***

2 Education Freedom Accounts; Program. Amend RSA 194-F:2, VII to read as follows:

VII. An EFA shall remain in force, and any unused funds shall roll over from quarter-to-quarter and from year-to-year until the parent withdraws the EFA student from the EFA program or until the EFA student graduates from high school, unless the EFA is closed because of a substantial misuse of funds. Any unused funds shall revert to the ~~[education trust fund established in RSA 198:39 and be allocated to fund other EFAs]~~ ***general fund.***

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

2023-0774h

AMENDED ANALYSIS

This bill requires that funding of the education freedom account program be limited to budgeted amounts.

**Amendment to HB 582-FN  
(2023- 0392h)**

**Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs – r**  
Amend the introductory paragraph of RSA 126:25-a, II(a) as inserted by section 2 of the bill by replacing it with the following:

II.(a) The division shall collect non-identifying data on induced terminations of pregnancy occurring within the state of New Hampshire using the New Hampshire Vital Record Information Network (NHVRIN) electronic system or any modified or subsequent replacement electronic system under the jurisdiction of the division. The division shall bear all responsibility for securely maintaining the confidentiality of these records. The data shall be stored using only the confidential number of the health care provider assigned by the division to the provider prior to the submission of the reporting form. Only aggregated and personally non-identifiable data may be released by the division to the department for its public health statistics reporting. Provider names or patient personal identifying data shall not be stored in the division or department data systems. No data shall be released that may personally identify either the health care provider who performed an induced termination of pregnancy or the patient on whom it was performed, nor any elements of data that would have the capacity to enable by deduction to personally identify either the health care provider, the patient, or the patient's specific residence location within the state.

Amend the introductory paragraph of RSA 126:25-a, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) The electronic reporting form provided by the division to providers and facilities performing the procedure shall include the following data, relevant to current or as amended CDC data specifications, unless any of such specifications are inconsistent or contrary to New Hampshire law, in which case those elements shall be omitted from data gathering. Patients asked to provide personal background information at the provider level may or may not do so on a voluntary basis with the understanding that such information is anonymized and useful for health statistics and understanding the extent of induced pregnancy termination in New Hampshire and across the country:

Amend RSA 126:28, IV(b) as inserted by section 3 of the bill by replacing it with the following:

(b) In preparing this report, the department of health and human services shall obtain, review, and utilize relevant data from the division's New Hampshire vital records information network (NHVRIN) system, as made or modified to provide such data, and from any other available resources, including statistical data from the insurance department, and shall publish aggregate results on the New Hampshire health and human services data portal, including updates thereto or revisions thereof, and provide in annual reporting to the national Centers for Disease Control and Prevention (CDC). No data shall be released by the department that may personally identify either the health care provider who performed an induced termination of pregnancy or the patient on whom it was performed, nor any elements of data that would have the capacity to personally identify either the healthcare provider, the patient, or the patient's specific residence location within the state.

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

4 New Paragraph; Exemption to Access Governmental Records and Meetings. Amend RSA 91-A:5 by inserting after paragraph XII the following new paragraph:

XIII. Any data collected by the department pursuant to RSA 126:25 that may personally identify either the health care provider who performs an induced termination of pregnancy or the patient on whom it was performed shall be excluded from the exemption under RSA 126:25-a.

5 Disclosure of Information from Vital Records. Amend RSA 126:24-d to read as follows:

126:24-d Disclosure of Information From Vital Records. All protected health information possessed by the department shall be considered confidential, except that the commissioner shall be authorized to provide **only anonymized** vital record information to institutions and individuals both within and outside of the department who demonstrate a need for such information for the purpose of conducting health-related research. Any such release shall be conditioned upon the understanding that once the health-related research is complete that all information provided will be returned to the department or destroyed. All releases of information shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA) and regulations promulgated thereunder by the United States Department of Health and Human Services (45 C.F.R. Part 160 and Part 164). This shall include the requirement that all proposed releases of vital records information to institutions and individuals both within and outside the department for the purposes of health-related research be reviewed and approved by the board, under RSA 126:24-e, before the requested information is released.

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

**Amendment to HB 583-FN  
(2023- 0793h)**

**Proposed by the Committee on Children and Family Law – c**

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Support. Amend RSA 461-A:14, IV to read as follows:

IV. The amount of a child support obligation shall remain as stated in the order until the dependent child for whom support is ordered [~~completes his or her high school education or reaches the age of 18 years, whichever is later;~~] or marries, or becomes a member of the armed services, or is emancipated pursuant to an order of emancipation under RSA 461-B, **or reaches the age of 18 years, unless the child is still a full-time student at a secondary or elementary school at age 18, then benefits will continue until the child graduates or until two months after the child becomes age 19, whichever is first**, at which time the child support obligation, including all educational support obligations, [~~terminates~~] **shall terminate** without further legal action. If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18. No child support order for a child with disabilities which becomes effective after July 9, 2013 may continue after the child reaches age 21 **unless the child is participating in a program approved by the state board of education, then through the child's 22nd birthday, at which point the child support obligation shall terminate.**

2023-0793h

AMENDED ANALYSIS

This bill alters the time at which a child support obligation terminates.

**Amendment to HB 584  
(2023- 0993h)**

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

Amend the bill by deleting section 3 and renumbering the original sections 4-93 to read as 3-92, respectively.

**Amendment to HB 595-FN  
(2023- 0808h)**

**Proposed by the Committee on Commerce and Consumer Affairs – c**

Amend RSA 6:45, V as inserted by section 1 of the bill by replacing it with the following:

V. The state treasurer shall charge the public deposit investment pool any actual costs incurred by the department for the operation of the pool as well as any expenses of department personnel assisting in the operation of the pool. The private investment advisor retained under paragraph II shall be responsible for processing any invoice submitted for the actual costs incurred by the department and the expenses of department personnel under this paragraph.

Amend the introductory paragraph of RSA 6:47, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory committee shall assist and advise the treasurer on the establishment and operation of the investment pool, including:

**Amendment to HB 607-FN  
(2023- 1024h)**

**Proposed by the Majority of the Committee on Ways and Means – r**

Amend the bill by replacing sections 4-7 with the following:

4 Facilities License Application; Specific Requirements. RSA 287-D:7 is repealed and reenacted to read as follows:

287-D:7 Facilities License Application; Specific Requirements.

I. Any person or entity other than a charitable organization or governmental subdivision with control of a facility, including by a written lease, at which games of chance are held for 5 or more game dates per calendar year shall be licensed.

II. A facilities license application shall include certification of compliance with all of the requirements of RSA 287-D:5, provided that the lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional items to be submitted on the application form or attached to it.

III. Licenses shall expire three years after being issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required on the license application with the commission no later than December 31 of each year. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

5 Game Operator Employer License Application; Specific Requirements. RSA 287-D:8 is repealed and reenacted to read as follows:

287-D:8 Game Operator Employer License Application; Specific Requirements. Any person or entity other than a charitable organization that employs primary or secondary game operators shall be licensed under this section. In addition to the general requirements under RSA 287-D:5, a game operator employer license application shall include the following information provided that the lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional items to be submitted on the application form or attached to it:

I. Certification of compliance with all of the requirements of RSA 287-D:5.

II. Federal tax identification number.

III. One passport quality photograph, if the applicant is an individual.

IV. A description of the licensed premises.

V. A bond for each location where the game operator employer is conducting games of chance, conditioned upon the licensees running games of chance in conformity with this chapter and with the rules and regulations prescribed by the lottery commission, in the amount of up to \$1,000,000 but not less than \$25,000. The amount of the bond in excess of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes, including any amounts due from historic racing revenue.

VI. Licenses shall expire 3 years after being issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required on the license application with the commission no later than December 31 of each year. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

VII. Concurrent with the charitable organization, game operator employers who operate games of chance on behalf of a charitable organization shall be responsible for all requirements for which the charitable organization is responsible when a charitable organization operates games of chance itself.

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than the 15th day of the month following the month in which a game was conducted.

6 Primary Game Operator License; Specific Requirements RSA 287-D:9 is repealed and reenacted to read as follows:

287-D:9 Primary Game Operator License Application; Specific Requirements.

I. Other than members of a charitable organization, any person who is involved in conducting, managing, supervising, directing, or running games of chance, including, but not limited to, gambling operation managers and assistant managers, managers or supervisors of security employees, pit bosses, shift bosses, credit executives, and cashier operations supervisors shall be licensed under this section. In addition to the general requirements under RSA 287-D:5, a primary game operator license application shall include the following information provided that the lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional items to be submitted on the application form or attached to it:

(a) The identity of the game operator employer for whom the applicant works.

(b) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(c) Whether a registration or license listed in subparagraph (b) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

(d) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business.

(e) One passport quality photograph.

II. The provisions of RSA 7:28-c shall not apply to primary game operator licensees.

III. Nothing in this section shall prevent a licensee from working for another game operator employer. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer, and pay a separate fee for each badge.

IV. The primary game operator license shall expire on the last day of the month of the licensee's birthday 3 years after it is issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required in paragraph I no later than the last day of the month of the licensee's birthday. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

7 Secondary Game Operator License Application; Specific Requirements. Amend RSA 287-D:10 to read as follows:

287-D:10 Secondary Game Operator License Application; Specific Requirements.

I. Other than members of a charitable organization, any person who is employed by a game operator employer [~~or a primary game operator~~] shall be licensed under this section.

II. In addition to the general requirements under RSA 287-D:5, a secondary game operator license application shall include the following information provided that the lottery commission may, by [~~rule~~] **rules adopted by the commission under RSA 541-A**, establish additional items to be submitted on the application form or attached to it:

(a) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(b) A statement of whether a registration or license listed in subparagraph (a) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

(c) The identity of the primary game operators for whom the applicant works.

(d) [~~Two~~] **One** passport quality [~~photographs~~] **photograph**.

III. A secondary game operator license shall expire on the last day of the month of the licensee's birthday **3 years after it is issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required in paragraph II with the commission no later than the last day of the month of the licensee's birthday. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.**

IV. The provisions of RSA 7:28-c shall not apply to secondary game operator licensees.

V. Nothing in this section shall prevent a licensee from working for different licensed entities. [~~A licensee who works for more than one game operator employer during the licensed period shall submit a supplemental application with a separate licensing fee.~~] **The licensee shall** have a separate badge for each game operator employer, and pay a separate fee for each badge.

VI. Upon receipt of a completed application under this section, and at the request of the applicant, the lottery commission may issue a provisional license, valid for up to 60 days, under rules adopted by the lottery commission under RSA 541-A regarding provisional licenses. If the lottery commission denies the license, the provisional license shall expire upon the applicant's receipt of such denial. If the applicant requests a provisional license under this paragraph, he or she shall submit a fee of \$10 to the lottery commission, in addition to the application fee for the license, at the time of such request.

Amend the bill by replacing section 13-14 with the following:

13 Penalties. Amend RSA 287-D:23, III to read as follows:

III. The lottery commission may suspend or revoke the license of any licensee who violates any provision of this chapter or for just cause shown. Any licensee whose license is revoked shall not be eligible for licensure for a period [~~of up to one year~~] from the date of revocation **as determined by the commission. In determining the amount of time for suspension or revocation, the lottery commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charitable organization conducting or sponsoring the game.**

14 Penalties. Amend RSA 287-D:23, IX to read as follows:

IX. The lottery commission may impose an administrative fine scaled to reflect a violator's prior history of noncompliance with laws pertaining to games of chance and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this chapter, any rule adopted under this chapter, any license issued pursuant to this chapter, or any order issued pursuant to this chapter, or upon any person who makes or certifies to a [~~material~~] **materially** false statement relative to any application or report required by this chapter. In determining the amount of a fine, the lottery commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charitable organization conducting or sponsoring the game. No administrative fine imposed under this paragraph shall preclude the imposition of other penalties as provided by law. Rehearings and appeals from a decision of the lottery commission under this paragraph shall comply with RSA 541. Fines imposed by the lottery commission shall be as follows:

(a) The fine for a minor violation shall be not less than \$25 and not more than \$500 per violation. A minor violation shall be one where the lottery commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is minor ~~[and may include, but is not limited to, the failure of a game operator, a game operator employer, charitable organization, or charitable organization member to:-~~

- ~~(1) Wear a properly issued badge;-~~
- ~~(2) Post 2 copies of the laws and rules;-~~
- ~~(3) Have a diagram available for each table where games of chance are being played indicating the type of game being played, the bet amount, the buy-in amount, and the re-buy amounts as applicable; or-~~
- ~~(4) Publicly display the name of the charitable organization].~~

(b) The fine for a moderate violation shall be not less than \$250 and not more than \$1,500 per violation. A moderate violation shall be one where the lottery commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is moderate ~~[and may include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:-~~

- ~~(1) Filing a late financial report;-~~
- ~~(2) Operating a game not specifically listed on the game schedule;-~~
- ~~(3) Operating a game on a different date than licensed without approval of the lottery commission; or~~
- ~~(4) Committing 3 or more minor violations within 2 years].~~

(c) The fine for a major violation shall be not less than \$1,000 and not more than \$5,000 per violation. A major violation shall be one where the lottery commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is major. ~~[and shall include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:-~~

- ~~(1) Operating a game of chance without a license;-~~
- ~~(2) Operating a game of chance without having the personnel or officials required;-~~
- ~~(3) Purposely operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:14, XI;-~~
- ~~(4) Operating a game of chance with game operators who are not licensed;-~~
- ~~(5) Failing to establish or maintain a New Hampshire bank account;-~~
- ~~(6) Committing 5 or more minor violations or 3 or more moderate violations within 2 years.-]~~

(d) The lottery commission may suspend any part of a fine for just cause.

Amend the bill by replacing section 19 with the following:

19 Effective Date.

I. Sections 9 and 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

**Amendment to HB 629-FN  
(2023-0232h)**

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

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

1 Statement of Findings. The general court hereby finds:

I. Public education as a cornerstone of a healthy, diverse and productive society, is instrumental in helping to chart the course of progress for our nation's future.

II. The transformative impact of public education upon our nation's history, civic institutions, colleges and universities, and the economy is well documented.

III. Students, who rightly enjoy privileges and protections under the constitutions and laws of the United States and the state of New Hampshire, will benefit from a deeper awareness and knowledge of those rights, including their evolution and interpretation, and how they may be subject to extension or elimination through executive, legislative, or judicial actions.

IV. Students who have a fuller understanding of their legal rights, and the wellspring of associated societal benefits, are likely to be more active in exercising those rights and more resolute in enforcing their proper administration and protection.

V. Whether in matters of free speech, privacy, equal protection under the law, or voting rights, the engagement of an active citizenry is critical to our nation and its democratic ideals.

VI. In recognition of the role that public education can play in providing students with information about their rights, both as students and as minors, and their employment for the betterment of education and society, intends to require each public school to incorporate a statement of student rights into current policy and practice.

2 New Chapter; Student Bill of Rights. Amend RSA by inserting after chapter 189-A the following new chapter:



CHAPTER 189-B  
STUDENT BILL OF RIGHTS

189-B:1 Short Title. This chapter shall be known as the student bill of rights.

189-B:2 Definitions. In this chapter: “public school student” means any child enrolled in a New Hampshire public or chartered public school.

189-B:3 School Policy Manuals. Each school district shall incorporate the student bill of rights into their policy manual, post it on the school district’s website, and include it in materials distributed to parents annually.

189-B:4 Student Rights.

I. Public school students are subject to the United States Constitution, its privileges, and protections, including:

- (a) The free exercise of religion;
- (b) The freedom of speech and publication;
- (c) The right to peacefully assemble;
- (d) The right to petition the government for a redress of grievances;
- (e) The freedom from unreasonable searches and seizures;
- (f) The right to due process of law; and
- (g) The right to equal protection under the law.

II. Public school students are subject to numerous privileges and protections derived from federal statutes, examples of which include:

- (a) The right of public school students with identified disabilities to receive a free and appropriate education that addresses their individual needs;
- (b) The right of public school students with disabilities to be free from discrimination with regard to accessing educational programs and facilities; and
- (c) The right to be free from discrimination with regard to accessing educational programs and activities offered by a recipient of federal financial assistance.

III. Public school students are subject to the New Hampshire constitution and its privileges and protections, including:

- (a) The right to seek and obtain happiness.
- (b) The right to free speech and the liberty to publish.
- (c) The right of petition and peaceful assembly.
- (d) The right of personal privacy.
- (e) The right to absolute freedom of conscience in all matters of religious sentiment, belief, and worship.
- (f) The right to attend public schools that are funded in a manner that is consistent with the state’s paramount duty of making ample provision for the education of all children residing within its borders.
- (g) The right to have schools that are maintained wholly or partially by public funds free from sectarian control or influence.
- (h) The right to countenance and inculcation of the principles of humanity and general benevolence.
- (i) The right of qualified persons to vote in all elections.

IV. Public school students are subject to numerous privileges and protections derived from New Hampshire state statutes, examples of which include:

- (a) The right to access, without tuition, each resident school district’s K-12 basic education program for students of qualifying age.
- (b) The right to an education that provides students with the opportunities to develop the knowledge and skills necessary to meet state and district established graduation requirements intended to provide students with a meaningful diploma that prepares them for post-secondary education, gainful employment and citizenship.
- (c) Due process rights related to disciplinary measures and educational access.
- (d) The right to an education and access to all educational activities and facilities without fear of discrimination.
- (e) The right of minors residing in criminal justice facilities to receive an education.

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

**Amendment to HB 642-FN  
(2023-0940h)**

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

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

AN ACT relative to wait list registry and budget flexibility for services for the developmentally disabled.

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

1 New Section; Services for the Developmentally Disabled; Wait List Registry and Budget Flexibility.

Amend RSA 171-A by inserting after section 1-d the following new section:

171-A:1-e Wait List Registry and Budget Flexibility. In completing the wait list registry, area agencies may include budgets older than 24 months where funds may be needed to cover additional expenditures, such as cost-of-living or other wage and compensation increases. The department shall use existing budget appropriations to negotiate reasonable wages and appropriate service budgets with area agencies and service providers.

2 Prospective Repeal. RSA 172-A:1-e, relative to the wait list registry and budget flexibility for services for the developmentally disabled, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2027.

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

2023-0940h

#### AMENDED ANALYSIS

This bill expands the allowable budgets for agencies providing services to the developmentally disabled to include on their wait list registry application. This bill also mandates the department of health and human services use existing budget appropriations to negotiate reasonable wages and service budgets for services for the developmentally disabled.

#### **Amendment to HR14 (2023- 0894h)**

#### **Proposed by the Committee on Children and Family Law - c**

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

A RESOLUTION regarding the evaluation of alleged procedural irregularities in the New Hampshire judicial branch circuit court, family division and affiliated agencies.

Amend the resolution by replacing all after the title with the following:

Whereas, the house children and family law committee has received allegations of irregularities, including failure to follow or enforce statutes, unwarranted waiver of or failure to follow court rules, delay in rendering decisions, denial of due process, and other procedural issues, therefore be it

Resolved by the House of Representatives:

That a select committee appointed by the speaker of the house shall conduct hearings to receive testimony and evidence from persons knowledgeable about the family division of the circuit court and affiliated agencies. The committee shall consist of 11 state legislators who shall serve as the voting members and 5 knowledgeable members of the public, experienced in family law issues who shall serve as the non-voting members. No officers of the court shall be non-voting members. The committee's primary focus shall be to schedule hearings to receive testimony from former parties, litigants, counsel who have participated in proceedings before the family division or affiliated agencies, or parties with direct knowledge of such proceedings. Focus shall be on the more recent cases and events. The committee shall also schedule hearings to gather relevant information, as necessary, from:

1. Guardians ad litem who have participated in proceedings before the family division.
2. Employees of the division of children, youth and families.
3. Employees of the bureau of child support services.
4. Members and employees of the New Hampshire judicial branch, except that no testimony from judges will be requested that would cause a judge to be in violation of the rules of judicial conduct or otherwise request judges to reveal their analysis of individual case decisions.

Additionally, the committee may seek guidance regarding relevant procedures in the family division from:

5. Representatives of The New Hampshire Bar Association.
6. Representatives of New Hampshire Legal Assistance.
7. A national organization such as the National Center for State Courts or the National Council of Juvenile and Family Court Judges to provide information regarding family court process and procedures in other states.

The committee will coordinate with the judicial branch when meeting at a circuit court to observe public hearings regarding family division cases.

The committee may designate individual members to review non-confidential case files and hearing recordings and report to the committee regarding observations from their review of those files and recordings.

The committee shall hold not less than 3 public hearings to hear testimony from current and former litigants, counsel or persons directly knowledgeable regarding these issues. The hearings shall be noticed in at least one state-wide newspaper one week in advance of the hearing. Hearings may be held in public venues other than the legislative office building around the state to facilitate public participation.

The committee may hold additional public hearings to inquire of jurists, the bureau of child and family support services, or the division of children, youth, and families employees regarding the veracity of non-

confidential circumstances and facts at issue in cases being reviewed. If necessary, the committee shall have the power to subpoena and compel attendance of state officers and the provision of non-confidential documents. This shall be accomplished by an affirmative vote of the committee which shall then be referred to the speaker of the house by the chair of the committee, requesting the issuance of a subpoena.

The committee shall report its findings by November 1, 2024 to the chair of the house children and family law committee, the chair of the house judiciary committee, the chair of the senate house and human services committee, the chair of the senate judiciary committee the speaker of the New Hampshire house of representatives, the president of the New Hampshire senate, the governor, and to the administrative judge of the circuit court.