

House Calendar 11

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TUESDAY, FEBRUARY 14

MEMBERS OF THE HOUSE: The House will meet on Tuesday, February 14th at 10:00 a.m. for session. We will then meet in Joint Convention with the Senate at 1:00 p.m. for the purpose of hearing Governor Sununu's budget address. Following the budget address, we will continue our regular session for the purpose of acting on additional House bills.

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 200, relative to choice of counselor to evaluate a child in family court proceedings. OUGHT TO PASS WITH AMENDMENT. Vote 15-0.

HB 404, relative to support contempt hearings. INEXPEDIENT TO LEGISLATE. Vote 14-0

HB 411-FN, relative to mediation of cases involving children. INEXPEDIENT TO LEGISLATE Vote 13-0

HB 547-FN, relative to rebuttable presumptions of sole custody determinations. INEXPEDIENT TO LEGISLATE. Vote 14-0

HB 600-FN, relative to temporary orders for parental rights and responsibilities. INEXPEDIENT TO LEGISLATE. Vote 14-0.

HB 635-FN, relative to court ordered counseling in parenting plans. INEXPEDIENT TO LEGISLATE Vote 13-0.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 143, relative to wiretapping to record conversations related to domestic violence. INEXPEDIENT TO LEGISLATE. Vote 18-1.

HB 291-FN, relative to false reports to certain departments. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 292-FN, establishing a criminal penalty for theft by a public servant. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 302-FN-A, relative to including education in the United States Constitution, the Bill of Rights, and the New Hampshire constitution for New Hampshire law enforcement. INEXPEDIENT TO LEGISLATE Vote 20-0

EDUCATION

HB 102-LOCAL, requiring high schools to include instruction on the nature and history of communism. INEXPEDIENT TO LEGISLATE. Vote 17-3

HB 103, relative to school board member qualifications. INEXPEDIENT TO LEGISLATE. Vote 20-0

HB 334-FN, relative to determination and cost of state adequate education. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 364-FN, relative to transportation for students attending career and technical education centers. OUGHT TO PASS. Vote 20-0

HB 365, relative to a statewide facility condition assessment for school buildings. OUGHT TO PASS. Vote 20-0.

HB 424-FN relative to school lunch payment policies. INEXPEDIENT TO LEGISLATE. Vote 20-0

HB 435, relative to relief aid calculation in determining grants for adequate education. OUGHT TO PASS. Vote 20-0.

HB 466, relative to water bottle filling stations in schools. OUGHT TO PASS. Vote 19-0.

HB 501, relative to ages for special education services. OUGHT TO PASS. Vote 20-0.

HB 578-FN, establishing the position of reporting administrator in the department of education. INEXPEDIENT TO LEGISLATE. Vote 19-0.

ELECTION LAW

HB 101-FN, relative to requiring voters declare a party affiliation prior to a state primary election. INEXPEDIENT TO LEGISLATE. Vote 19-0.

HB 259, relative to a study about making working at polling places on election day a civic responsibility and legal obligation for citizens. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 482-FN, requiring the use of ballots with embedded security, traceability, and relative to the chain of custody for ballots cast in elections. INEXPEDIENT TO LEGISLATE. Vote 19-1.

HB 599-FN, relative to requiring an audit of the November 2022 election results. INEXPEDIENT TO LEGISLATE. Vote 19-1.

ENVIRONMENT AND AGRICULTURE

HB 79, relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

HB 128-FN, relative to repealing state seed labeling license requirements. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 138, relative to the oversight of the commissioner of the department of agriculture, markets, and food. OUGHT TO PASS. Vote 20-0.

HB 152, relative to soil and plant additives. OUGHT TO PASS. Vote 20-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 1, relating to the governor. Providing that there be a lieutenant governor who shall assume the duties of the governor if the governor is incapacitated. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 109, relative to the occupational therapy practice act. OUGHT TO PASS WITH AMENDMENT. Vote 19-0

HB 193-FN, relative to administration of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

HB 266, relative to notice and public access requirements for hybrid and virtual agency public comment hearings for rulemaking. OUGHT TO PASS. Vote 19-0.

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. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

HB 391, relative to the department of health and human services and the department of environmental services data sharing and memorandum of agreement. OUGHT TO PASS WITH AMENDMENT. Vote 19-0.

HB 409-FN, relative to nonresident licensure by the board of barbering, cosmetology, and esthetics. OUGHT TO PASS W/ AMENDMENT. Vote 19-0.

HB 519-FN, relative to establishing a chief information security officer for the department of information technology. OUGHT TO PASS. Vote 18-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 47, relative to medical records attestations for organ donation eligibility. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 413 authorizing advanced practice registered nurses and physician assistants to prescribe diabetic shoes. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 428, relative to mental health practice. OUGHT TO PASS. Vote 20-0.

JUDICIARY

CACR 5, relating to fundamental rights. Providing that the constitution protects the right to marry. INEXPEDIENT TO LEGISLATE. Vote 19-0.

HB 67-FN, relative to the right to review source code of software in criminal cases. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 162, relative to supported decision making. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

HB 164, relative to prohibiting towns from criminalizing the right to peacefully and orderly assemble. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 169, relative to termination of guardianship. INEXPEDIENT TO LEGISLATE. Vote 19-0.

HB 171-FN, relative to bodily injury actions against governmental units. INEXPEDIENT TO LEGISLATE. Vote 19-0.

HB 187-FN, permitting a police chief or other designated law enforcement officer to serve process. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 289-FN, relative to consultation with legal counsel under the right to know law. INEXPEDIENT TO LEGISLATE. Vote 19-0.

HB 290-FN, relative to service of writs and precepts by a constable. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 307-FN, relative to attorney's fees in actions under the right to know law. OUGHT TO PASS. Vote 20-0.

HB 320-FN relative to free speech in interactive computer services. INEXPEDIENT TO LEGISLATE. Vote 19-0.

HB 321-FN-LOCAL, relative to minutes from nonpublic sessions under the right to know law. OUGHT TO PASS. Vote 20-0.

HB 340-FN, relative to the transfer of residential property. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 379-FN, requiring that attorneys be appointed to represent indigent tenants during residential eviction proceedings and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 165, relative to department of energy procedures in lieu of meeting renewable portfolio standards for biomass. INEXPEDIENT TO LEGISLATE. Vote 15-0.

HB 211, relative to a report by the department of energy on the effectiveness of the system benefits charge. OUGHT TO PASS. Vote 20-0.

HB 633-FN, relative to electric distribution company market share, prohibiting certain electric rate increases, and requiring enforcement against Eversource. INEXPEDIENT TO LEGISLATE. Vote 20-0.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 3, relative to affirming states' power over the federal constitution. INEXPEDIENT TO LEGISLATE. Vote 18-0.

HR 13, affirming support for the people of Puerto Rico. OUGHT TO PASS. Vote 17-0.

TRANSPORTATION

HB 132, relative to a tire disclosure for resales of trailers by utility dealers. INEXPEDIENT TO LEGISLATE. Vote 20-0.

HB 163-FN, relative to authorized license plate decals. OUGHT TO PASS. Vote 20-0.

HB 268-FN, relative to the furnishing of special number plates to the liquor commission, division of enforcement and licensing. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

HB 393-FN, permitting a motor vehicle operator to use only a rear license plate. INEXPEDIENT TO LEGISLATE. Vote 20-0.

REGULAR CALENDAR

FINANCE

SB 1-FN-A, (New Title) relative to the closing of the Sununu youth services center and establishing a commission to study the public safety of the secured youth development center and surrounding communities. OUGHT TO PASS WITH AMENDMENT. Vote 23-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 91-FN-A, relative to privacy obligations of the department of health and human services. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Vote 18-2.

JUDICIARY

HB 347-FN, establishing a superior court land use review docket. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. of Vote 16-4.

PUBLIC WORKS AND HIGHWAYS

HB 62-FN, relative to adjusting the road toll. INEXPEDIENT TO LEGISLATE. Vote 19-0.

SCIENCE, TECHNOLOGY AND ENERGY

HB 234-FN, relative to renewable energy credits. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** This bill is designed to end the practice of Renewable Energy Credit (REC) sweeping, a provision in statute that authorizes state seizure of Renewable Energy (RE) property, without the knowledge of, or any compensation to, NH businesses and residents. This practice enables in-state utilities to use the RE NH residents produce and own to meet their obligations under the Renewable Portfolio Standard (RPS). The committee heard testimony that based on NH case law, REC sweeping is an unconstitutional "taking" of private property and violates the takings clauses in Part 1, Article 12 of the NH Constitution. The property is not abandoned because property only becomes abandoned under NH law if it is left unclaimed for multiple years. It is also a taking because there is no notice before the RECs become the property of an energy supplier. No other state permits this. Under the current statute, electric utilities and suppliers claim the value of residential and commercial renewable energy produced without paying the rightful owners the money that they would receive for those RECs. The practice is intended to lower the utilities costs, but in effect, amounts to a taking of private property. Constituents testified that REC sweeping has decimated the NH REC market, and significantly decreased Alternative Compliance Payments – the only source of funding for the Renewable Energy Fund – NH's sole mechanism for investing in the clean energy transition. The argument that ending REC sweeping could increase electricity bills is inconsequential, as any possible increase would be literally pennies on the average monthly bill. In contrast, investments in RE can result in lower demand for out of state fossil fuels, lower peak demand, improved air quality, more jobs, and increased in-state economic activity. Rep. Tony Caplan. **Statement in support of Inexpedient to Legislate:** This bill, if passed, would increase electricity costs by \$30 million over the next ten years. It would do so by repealing RSA 362-F:6, which allows utilities to lower their obligation to buy renewable energy certificates (RECs) when such certificates go unused. This provision of the law was written expressly to reduce the cost of compliance with the renewable portfolio standard (RPS) when such additional expense provokes no new renewable energy investments. RECs are the carrot in the RPS and individuals who do not claim them fulfill the purpose of RSA 362-F, namely, "...to stimulate investment in low emission renewable energy generation technologies...in New Hampshire, whether at new or existing facilities" without needing this incentive. Thus, the additional expense incurred produces no further investment. This repeal would eliminate class I and class II RPS utility

obligations resulting in an increase of \$3 million added to current residential, municipal, and commercial customer electricity bills. The Department of Energy and Eversource both testified against the bill. Rep. James Summers

HB 246-FN, relative to uses of moneys in the renewable energy fund. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass with Amendment:** This bill will lower the cost of electricity by rebating to ratepayers the funds accumulated in the Renewable Energy Fund (REF). This fund collects \$7 to \$8 million in a typical year. 2022 will be remembered as the year NH electricity costs soared to their highest ever level. This bill suspends temporarily the use of REF monies for grants to new energy projects to provide ratepayers with some respite from last year's energy price spike, which is unlikely to end soon. The committee amended the bill to make the rebate valid for a two-year period. The amendment also restored language to ensure that the Department of Energy retained funds to administer the REF. After the amendment passed, the committee deadlocked on passage of the final bill, even though a majority of members agreed that the amended bill was superior. Through June 30 of 2025, this bill provides modest electricity bill relief to ratepayers, which less affluent wage earners need today more than ever. Rep. Jeanine Notter.

Statement in support of Inexpedient to Legislate: The Renewable Energy Fund (REF) was created in 2007 as a component of legislation known as the Renewable Portfolio Standard (RPS) law, RSA 362: F. To comply with the RPS, electric service providers acquire Renewable Energy Certificates (RECs) representing electricity generated from renewable sources. Electric service providers who cannot obtain enough RECs for a given compliance year are required to make Alternative Compliance Payments (ACPs). ACPs provide the funding for the REF, the purpose of which is to support thermal and electrical renewable energy initiatives. The committee received testimony from the NH Department of Energy (DOE) that between FY18 and FY22 a total of \$20.1 million of REF funds were invested in over 4,000 different projects helping to diversify our energy sector. According to DOE, the current available balance in the REF is \$7.8 million and annual contributions to it are approximately \$4.6 million. Rebating the REF to consumers would result in, at most, a \$10.54 annual (or \$1.40 per month) reduction in average consumer electricity bills in year one and \$6.25 annual (\$0.40 monthly) reduction in years thereafter. The committee is unanimous in its concern about the rising price of energy and need to reduce those prices going forward. The members of the committee who recommend ITL believe the people of NH are smart enough to realize that a rebate of \$0.52 – or even \$1.40 – per month will not make a big difference in their monthly budget, but that by collectively investing that money in alternative energy projects we can continue to diversify our sources of electricity to end our over-reliance on natural gas based on past state energy policy decisions. Rep. Chris Muns

HB 418-FN, relative to eliminating the rebates distributed by the energy efficiency fund. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** The Energy Efficiency Fund (EEF) is a dedicated fund created in 2008 when NH joined the Regional Greenhouse Gas Initiative (RGGI). RGGI is a regional market for emission allowances which are sold at quarterly auctions. New Hampshire's share of emissions allowances is deposited into the EEF. The legislature originally intended that 100% of EEF funds would be used to support energy efficiency, conservation, and demand response programs to reduce greenhouse gas emissions generated in New Hampshire. Those funds are available through the NHSaves program. However, legislation passed in 2012 dictated that only the first \$1 per ton of each allowance sold could be used to fund the EEF. The remaining proceeds are rebated directly to utility ratepayers. This bill would reverse that decision and ensure that ALL proceeds from the sale of emissions allowances are used to reduce energy demand. The committee received testimony from NH Department of Energy that NH's share of RGGI allowance sales is \$43 million dollars. Of that, only \$3.2 million is being invested in programs to support conservation and energy efficiency. The balance of approximately \$40 million is being rebated to customers, but the typical residential customer is currently receiving a rebate of about \$1.77 a month or \$21.24 a year. The committee is unanimous in its concern about the rising price of energy and need to reduce those prices going forward. The members of the committee who recommend OTP believe the people of NH are smart enough to realize that a rebate of \$1.77 per month will not make a big difference in their monthly budget and that the easiest way to reduce their overall cost of energy is to invest in programs to conserve energy and make their homes and businesses more energy efficient with a demonstrated 3:1 return on investment; exactly what the EEF was intended to help support. Rep. Chris Muns **Statement in support of Inexpedient to Legislate:** This bill will increase the cost of electricity by just under \$40 million in the next year and will increase those costs by more than \$40 million in every subsequent year. For perspective, such an increase raises the average ratepayer bill by \$25-\$45 per year. The bill will likely increase ratepayer costs over \$400 million over the next ten years. This bill eliminates the Regional Greenhouse Gas Initiative (RGGI) auction-proceeds rebate that has been in place since 2012. That rebate has saved ratepayers \$120-\$160 million in the past ten years. During the past year, NH utilities have seen their costs for electricity nearly double due to federal policies that inhibit the production and distribution of natural gas and oil. The price of natural gas dictates the cost of electricity. Geopolitical pressures have also contributed to a strain on supplies of natural gas. Adding additional costs to our state's already record high electricity bill hurts residents and businesses alike. It especially hurts the bottom tier of wage earners who may spend as much as 40% of their paycheck on electricity, heat, and gas for the car. The General Court acted to help ratepayers in September of 2022 with HB 2023. This bill would dilute that practical and compassionate policy. Rep. Jeanine Notter

HB 576-FN-A-LOCAL, establishing an energy conservation program and an energy conservation project fund and establishing the state PACE reserve fund. **OUGHT TO PASS WITH AMENDMENT. Vote 14-5**

HB 630-FN, establishing a revolving clean energy accelerator fund in the department of energy. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** A revolving clean energy accelerator fund, also known as a "green bank," is a type of investment fund that provides financing to clean energy projects. The term "revolving" refers to the fact that the fund is designed to be self-sustaining, with the capital generated from successful investments being recycled back into new opportunities, creating a virtuous cycle of investment and growth in the clean energy sector. The goal of a revolving green bank is to promote energy efficiency while providing a financial return to investors. This bill enables creating a green bank to accept a portion of Infrastructure Reinvestment Act (IRA) monies dedicated to energy efficiency projects and vehicles. We heard testimony from Clean Energy NH that the value of clean energy projects in NH at present is around \$90 million and could be double that if not every state chooses to participate in pursuing the earmarked IRA funds. Most importantly, we cannot guarantee NH will get one penny of the potential \$27 billion that will become available to the states unless we have a mechanism for receiving these funds. We do not know when the

monies will become available. We do not know all the parameters for administering the monies. We do know that we cripple our chances of maximizing these monies without enabling legislation to create a green bank as soon as feasible and throw our hat in the ring to accept IRA funds. Rep. Lucius Parshall. **Statement in support of Inexpedient to Legislate:** This bill was introduced to create a vehicle to accept proposed federal monies for funding clean energy projects. The bill seeks to establish a “green bank” in which to deposit Inflation Reduction Act dollars. Guidance about the use of such funds and the procedures for acquiring them have not yet been delivered to the NH Department of Energy (NHDOE) and may not arrive for some time. Therefore, the enabling language in this bill cannot describe a process that conforms with federal guidance and, if enacted, could potentially conflict with such guidance. Testimony from the NHDOE foresaw no immediate need for such a “green bank” and indicated that many other repositories would be available to handle future federal dollars. NHDOE was unable to speculate on whether program dollars would cover administrative costs. Designing programs that maximize access to these dollars without incurring expensive overhead should best be left until the details of these programs become available. Rep. Tom Ploszaj

TRANSPORTATION

HB 260-FN, prohibiting the operation of motor vehicles by drivers with animals on their laps. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 13-7.

HB 374-FN, relative to the application process for driver’s licenses and the privacy of motor vehicle records. MAJORITY: INEXPEDIENT TO LEGISLATE. Vote 11-9.

HB 388-FN, relative to number plates for motor vehicles. MAJORITY: INEXPEDIENT TO LEGISLATE. Vote 11-9.

HB 597-FN, relative to race and ethnicity data on driver’s licenses, and race and ethnicity data collection. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill would allow for a driver at license renewal to opt in and provide their ethnicity and race information to be on their driver’s license. Currently no data is being collected statewide. Accurate data will help identify trends in who and where folks are being stopped, and their self identified ethnicity and race information will be available on a statewide basis. The bill was supported by a 17
10 FEBRUARY 2023 HOUSE RECORD wide range of public safety organizations and non-profit groups including the NH State Police, the ACLU, the NH Chief’s of Police Association, the NAACP, and the NH Department of Justice. The NH Department of Motor Vehicles testified that they will be able to implement the program. Rep. George Sykes. **Statement in support of Inexpedient to Legislate:** Supporters of inexpedient to legislate believe that this bill does not contain all of the data needed to create any meaningful statistics. The bill allows for collection of data but not require all drivers to provide race and ethnicity data. Ethnicity by itself leaves room for further errors because ethnicity is subjective. Since the data collected will be voluntary it will not provide reliable reports of statistical data to anyone who reviews it. This could, in turn, cause police departments or the public to conclude an outcome that is not correct. Rep. John Sellers

CHILDREN AND FAMILY LAW

HB 34-FN, relative to raising the age of marriage to eighteen. MAJORITY: INEXPEDIENT TO LEGISLATE. Vote 8-7.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 560-FN-A, establishing a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and making an appropriation therefor. OUGHT TO PASS. Vote 19-0.

EDUCATION

HB 309-FN, relative to civil rights education in public elementary and secondary schools. MAJORITY: INEXPEDIENT TO LEGISLATE. 12-8

HB 419-FN-A, relative to the math learning communities program of the community college system and making an appropriation therefor. OUGHT TO PASS. Vote 20-0.

HB 420-FN-A, relative to the availability and funding for the dual and concurrent enrollment program by the community college system and making an appropriation therefor. MAJORITY: OUGHT TO PASS. Vote 19-1.

HB 429-FN-LOCAL, requiring the offering of breakfast and lunch in all public and chartered public schools. **WITHOUT RECOMMENDATION:**
Statement in support of Ought to Pass with Amendment: The purpose of the bill and amendment is to require all public school districts in the state to offer a breakfast and lunch program under the Federal National School Breakfast Program (SBP) and the National School Lunch Program (NSLP). The amendment removes charter schools from the bill’s requirements. Currently, 456 schools participate in the National School Lunch Program. Under the program, 27 schools provide lunch but not breakfast, and 6 provide neither. Income guidelines are in place for eligibility for both free and reduced price meals under the program. This bill is the result of an Education Committee subcommittee that met throughout the summer and fall investigating the role that schools can play in feeding children in our state. Approval of the bill and amendment will ensure that the children of every NH public school family of limited means can be provided with a healthy breakfast and lunch. Rep. Arthur Ellison **Statement in support of Inexpedient to Legislate:** This bill would require all public schools to participate in the National School Breakfast Program (SBP) and to make both breakfast and lunch available to all students. Currently, of the 456 schools that offer lunch under the National School Lunch Program (NSLP), only 27 schools provide lunch but do not also offer breakfast under the SBP. Six public schools do not operate either a NSLP or SBP. Under this bill, 27 schools would need to implement a SBP and 6 would need to operate both a NSLP and a SBP. However, there is no information about

whether any of the schools without a SBP are not already providing breakfast, albeit not under the federal guidelines. It is impossible to know whether the goal - that those students who need breakfast can get it - is not already being met. Because this bill mandates compliance, it could create a Part I, Article 28-a constitutional issue if the costs of implementing the new programs and complying with federal standards fall to the local districts. Each local school board is responsible for the operation and funding of all programs and services offered by the district. In accordance with RSA 189:11-a, the local school board may provide meals that meet minimum, nutritional standards to students through programs other than the National School Lunch Program or the School Breakfast Program. This is a local decision made by locally elected school board members and citizens in accordance with the statutory waiver process. This is a "one size fits all" policy that negates the many unique operational characteristics of Granite State schools. Rep. Margaret Drye

HB 430-FN-LOCAL, relative to applications for the education freedom accounts program. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** The bill limits applications for Education Freedom Accounts (EFAs) to students who are presently enrolled in public school for at least one year or will be entering kindergarten or first grade. Information provided by the Department of Education suggests of the 3,200 students currently enrolled in the EFA program, only about 100 students made the decision to leave their public school because of the availability of public taxpayer money to pay for a private education. The vast majority of EFA students had already left public school prior to the start of the EFA program or were likely to choose a private education regardless of the EFA. The existing law has enabled a taxpayer-funded private tuition rebate program. The bill restores the program back to its intended purpose of providing "school choice" options to students and their families. Rep. David Luneau. **Statement in support of Inexpedient to Legislate:** This bill would restrict the successful Education Freedom Accounts program to only those students who are currently attending a NH public school for a minimum of one year. The impact would be to exclude students who were not currently attending a public school. Students who had already left a public school for an education option that met their needs would no longer be eligible for the program. Many questions were left unanswered in the executive session. What about students just moving to NH? What about NH students on the VT or ME borders who attend approved schools in those states under tuition agreements? This bill has too many unanswered questions in addition to the exclusion of families trying to find the best education for their children. Rep. Glenn Cordelli

HB 487-FN, establishing a New Hampshire farm-to-school reimbursement program. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass with Amendment:** This bill establishes a state program through the Department of Education to reimburse schools up to \$1,200 for the purchase of locally grown and produced food products like meats, vegetables, and fruits as part of the cafeteria offerings and snacks. Students will have access to fresh, nutritious, locally grown, and produced food products like meats, vegetables, and fruits. Feeding our children local foods, teaching them about our local food economy helps students thrive and succeed. Local farmers and producers will have new market opportunities, increased connections with students, their communities and schools as well as receiving more financial support to grow the local agricultural economy. This program is a win-win-win-win for students, schools, our local farmers and producers, and New Hampshire's food economy. Rep. Linda Tanner **Statement in support of Inexpedient to Legislate:** This bill establishes a New Hampshire farm-to-school reimbursement program as part of the National School Lunch Program and makes an appropriation therefor. It would require the Department of Education to hire a staff person to manage the program. It is unsure if there are enough farms in the state to supply the program or if enough food is grown within the state to make this a worthwhile endeavor. There are 149 schools in NH voluntarily participating in farm to school programming; of those, 76.5% serve local food, 73.5% provide food, nutrition or agricultural education, 55% have edible gardens, and nearly 50% hold student field trips to farms, taste tests, and cooking demos. The cost of establishing such a program is unnecessary when schools can contract with local farmers and develop their own local gardening curriculum as they see fit. Rep. Katy Peternel

HB 521-FN-A, relative to the department of education payment for placement for an episode of treatment. OUGHT TO PASS. Vote 20-0.

HB 626-FN, requiring the department of education to administer the education freedom account. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** The bill requires the Department of Education to administer Education Freedom Accounts (EFAs). Under current law, EFAs are administered by a private contractor that keeps 10% of the taxpayer dollars allocated to these accounts. Most students with an EFA were not even attending public schools when they applied to the program and instead were already going to private or home schools at no cost to taxpayers. But now, New Hampshire taxpayers are on the hook to pay for private school tuition and home school costs totaling \$20 million plus another \$2.3 million as payment for administrative costs to a contractor that has current and former state legislators on its board and employs seven people. Moving the administration of the EFA program from the contractor to the department, as done in other states, is financially more responsible and will provide for better transparency, accountability, and oversight for the program. And it will result in more of the EFA funds to be used for students. Rep. David Luneau. **Statement in support of Inexpedient to Legislate:** The current nonprofit organization administering the Education Freedom Accounts (EFA) is running within the mean for administrative costs relative to public schools. Further, there were substantial startup costs associated with the EFA program that were cited in testimony that are not expected to be duplicated going forward, and which should result in substantial cost savings that may bring the cost well below the mean for public schools. The private sector administration of this program is also believed to be more agile and capable of operating within the parameters of law while being more cost effective over the long term. Further legislation is anticipated in the committee that will clarify existing language that multiple organizations may administer this program as an open bidding process that provides further competitive advantage.

HB 521-FN-A, relative to the department of education payment for placement for an episode of treatment. OUGHT TO PASS. Vote 20-0

HB 542-FN-A, establishing an academic research and improvement performance data analyst in the department of education. OUGHT TO PASS. Vote 20-0.

HB 626-FN, requiring the department of education to administer the education freedom account. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** The bill requires the Department of Education to administer Education Freedom Accounts (EFAs). Under current law, EFAs are administered by a private contractor that keeps 10% of the taxpayer dollars allocated to these accounts. Most students with an EFA were not even attending public schools when they applied to the program and instead were already going to private or home schools at no cost to taxpayers. But now, New Hampshire taxpayers are on the hook to pay for private school tuition and home school costs totaling \$20 million plus another \$2.3 million as payment for administrative costs to a contractor that has current and former state legislators on its board and employs seven people. Moving the administration of the EFA program from the contractor to the department, as done in other states, is financially more responsible and will provide for better transparency, accountability, and oversight for the program. And it will result in more of the EFA funds to be used for students. Rep. David Luneau. **Statement in support of Inexpedient to Legislate:** The current nonprofit organization administering the Education Freedom Accounts (EFA) is running within the mean for administrative costs relative to public schools. Further, there were substantial startup costs associated with the EFA program that were cited in testimony that are not expected to be duplicated going forward, and which should result in substantial cost savings that may bring the cost well below the mean for public schools. The private sector administration of this program is also believed to be more agile and capable of operating within the parameters of law while being more cost effective over the long term. Further legislation is anticipated in the committee that will clarify existing language that multiple organizations may administer this program as an open bidding process that provides further competitive advantage. Rep. Mike Belcher

HB 638-FN-LOCAL, relative to the extraordinary need grants to schools. OUGHT TO PASS. Vote 19-1

ELECTION LAW

HB 324-FN-A, relative to campaign contributions and expenditures and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Vote 10-10.

HB 502-FN, relative to voter affidavit ballots. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** Supporters of Ought to Pass believe that the current statutes under 2022's SB418 are unconstitutional and the language should be repealed. The constitutional conflicts include the date of the state primary not providing adequate time for UOCAVA ballots to rectify any missing documents and RSA 659:13-1c stating that moderators cannot mark ballots. These constitutional issues can be solved by supporting this bill. Rep. Heath Howard. **Statement in support of Inexpedient to Legislate:** Supporters of ITL believe that this bill seeks to return New Hampshire's voter registration process to an unaccountable and vulnerable system with no checks or verifications. Under this proposed bill, any person would be able to walk into any polling location on election day and register to vote while presenting no form of ID or proof of domicile. Furthermore, this bill reinstates the religious exemption clause for those voters registering without ID from having to have their photo taken. By repealing affidavit ballots, these votes will be cast and indistinguishable even though they may not be from qualified voters. The provisions of this law only apply to those registering on election day and the exemption for previously registered voters remains. Rep. Ross Berry

HB 508-FN, relative to the payment of postage on absentee ballot return envelopes. INEXPEDIENT TO LEGISLATE. Vote 11-9. Rep. Robert Wherry for Election Law. This bill would have the Secretary of State provide pre-paid, first-class postage for all return envelopes accompanying absentee ballots. The sponsors believe that the cost of firstclass postage is a barrier to absentee voters, and have characterized the cost of postage as a "poll tax" upon absentee voters. In opposition to this bill, it is believed that the "poll tax" characterization is unsubstantiated. No evidence was provided to demonstrate that the cost of postage was an undue burden to a significant number of absentee voters, and nothing was provided to justify costs exceeding \$100,00.00. Additionally, no provision was made for special elections or overseas voters. Undeniably, the civic duty and privilege of voting necessarily incurs a cost for the voter; whether it be time spent researching the candidates, time taken to place one's vote, transportation costs, or postage. This bill would ultimately create two voter classes: those with financed voting activities, and those without financing. The author of this report believes this practice of providing postage would ultimately discourage more active participation in the voting process.

ENVIRONMENT AND AGRICULTURE

HB 300-FN, prohibiting the disposal of certain food waste. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

HB 462-FN-A, making an appropriation to the solid waste management fund and targeting food waste reduction and diversion. OUGHT TO PASS WITH AMENDMENT. Vote 20-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 341-FN, establishing licensure for massage establishments. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Vote 11-9

HB 620-FN, establishing a department of early childhood education and relative to a pre-kindergarten pilot program. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass with Amendment:** The original bill requested a Department of Early Childhood Education for a three year pilot program. The committee has strong reservations for a new Department and it's related costs for a pilot program. An amendment adopted by the committee enables a division of early childhood education under the Department of Education (DOE). The Deputy Commissioner of Education appeared before the subcommittee in support of the amendment and stated that DOE would account for this three year pilot program within their budget. Rep. Jaci Grote. **Statement in support of Inexpedient to Legislate:** This bill, as introduced, would have

created a new executive branch department just to run a pre-kindergarten pilot program. That is likely why the bill came to this committee. Many on the committee did not believe that standing up a new department just for a pilot program was at all an appropriate use of state resources. An amendment was proposed that, instead of creating a new department, to start the pre-kindergarten pilot program under the department of education. There are numerous studies on the benefits and harms of state pre-kindergarten programs. Those on the committee who oppose this bill, even as amended, have various serious concerns about the value of such programs and the possible harm they may produce. In any case, the committee does not have the experience and expertise to make such a determination. If such a program is proposed in the future, it should not include the creation of an entire department with all the overhead and cost that entails for a pilot program. Instead, it should be proposed in a manner that would result in the education committee reviewing it and making a recommendation on this complex and non-obvious question. Rep. Tony Lekas

Committee Hearings Feb 14-17

TUESDAY, FEBRUARY 14

COMMERCE AND CONSUMER AFFAIRS, Room 302-304, LOB 9:00 a.m. Full Committee Work Session on HB 639-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

WEDNESDAY, FEBRUARY 15

COMMERCE AND CONSUMER AFFAIRS, Room 302-304, LOB

10:00 a.m. Full Committee Work Session on

HB 279-FN, increasing the penalty for on-premises licensees overserving alcohol;

HB 465-FN, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products;

HB 639-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

1:15 p.m. **Executive Session** on

HB 279-FN, increasing the penalty for on-premises licensees overserving alcohol;

HB 373-FN, relative to billing for ambulance services;

HB 465-FN, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products;

HB 639-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

EDUCATION, Room 205-207, LOB 9:00 a.m. **Executive Session** on

HB 227 increasing chartered public school per pupil funding;

HB 492-FN, requiring the department of education to provide the house and senate standing committees responsible for education with copies of the laws and rules relative to education;

HB 529-FN-A-L, relative to additional aid grants for schools based on free and reduced price meals and fiscal capacity disparity;

HB 71, repealing a department of education report on chartered public school funding;

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

HB 634-FN, relative to students' participation in religious instruction to satisfy elective curriculum requirements;

HB 441-FN-L, eliminating residency requirements for public school attendance;

HB 104, relative to multi-stall bathrooms and locker rooms in schools;

HB 352, relative to excused absences due to a student's mental or behavioral health;

HB 505-FN, relative to comprehensive mental health education in schools;

HB 539-FN, relative to vaccination clinics at schools;

HB 627-FN, relative to local education improvement plans and disparities in education;

HB 514, relative to the dissemination of obscene material by schools and institutions of higher learning;

HB 604, relative to reading specialists;

HB 623-FN, establishing a teacher candidate loan forgiveness program;

HB 563-FN-L, relative to the adoption of school administrative unit budgets;

HB 452, relative to the department of education procedures for school building aid applications;

HB 354, relative to chartered public school eligibility for state school building aid;

HB 394-L, relative to the organization of cooperative school boards;
HB 632, relative to the cooperative school district budget committee.

FINANCE - DIVISION III, Room 210-211, LOB 1:00 p.m. Division Work Session on HB 527-FN-A, relative to Medicaid reimbursement rates for certain assisted living facilities.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 201-203, LOB

1:00 p.m. **Executive Session** on HB 188, relative to the duration of physical therapy; HB 554-FN, relative to treatment alternatives to opioids; HB 66, establishing a commission to study non-pharmacological treatment options for patients with chronic pain; HB 500, relative to prescribing opioids via telehealth medicine; HB 325, relative to the controlled drug prescription health and safety program advisory council members; HB 611-FN, relative to eligibility criteria for the therapeutic cannabis program; HB 610-FN, expanding the definition of providers who can certify patients of the therapeutic cannabis program; HB 431, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use; HB 282-FN-A, relative to including certain children and pregnant women in Medicaid and the children's health insurance program. Continued executive session on any remaining bills from February 9, 2023.

JUDICIARY, Reps Hall, SH 9:00 a.m.

CACR 2, relating to reproductive freedom. Providing that all persons have the right to make their own reproductive decisions.

10:30 a.m. HB 271-FN, repealing the fetal life protection act.

1:00 p.m. HB 88, relative to reproductive rights.

2:30 p.m. HB 224-FN, repealing the criminal and civil penalties from the fetal life protection act.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:30 a.m. **Executive Session** on

HB 489-FN-A, establishing a county tourism development fund administered by the department of business and economic affairs and making an appropriation therefor;

HB 265-L, relative to municipal property tax relief for installation of fire suppression systems;

HB 335, relative to notice of tax lien on real estate subject to a lien for old age assistance;

HB 433-FN, providing that property tax exemptions granted prior to a home sale shall not be applied to the new homeowner;

HB 177, relative to the definition of qualified structures under the community revitalization tax relief incentive;

HB 154, relative to the adoption of public health ordinances by municipalities;

HB 236, relative to condominium conversions under water and waste disposal laws and municipal ordinances;

HB 202, relative to property tax abatements;

HB 51, relative to requiring towns and school districts use warrant articles for lobbying agents;

HB 313, relative to the reductions from the default budget for official ballot town meetings;

HB 270, relative to the election of Strafford county commissioners;

HB 294, enabling municipalities to adopt a child tax credit;

HB 423, relative to accessory dwelling unit uses allowed by right;

HB 467-FN, relative to public playground accessibility;

HB 477, to prohibit municipal inspections of owner-occupied units of multi-unit housing;

HB 485, establishing deputy animal control officers;

HB 526-FN, regulating the use of temporary traffic control personnel;

HB 636-FN, relative to required education for zoning board of adjustment members.