

**Select Board Meeting**  
**Monday, February 27, 2023, 6:50 pm**  
**Nowak Room, Town Offices**  
**10 Front Street, Exeter, NH 03833**

Meeting in the Nowak Room at the Town Office Building. For virtual access, see instructions below.

Watch this meeting on Channel 22, or EXTV Facebook <https://www.facebook.com/ExeterTV>, or YouTube <https://www.youtube.com/c/ExeterTV98>.

To access the meeting via Zoom, click this link: <https://exeternh.zoom.us/j/84660401489>

To access the meeting via telephone, call +1 646 558 8656 and enter Webinar ID 846 6040 1489

Please join the meeting with your full name if you want to speak.

Use the "Raise Hand" button to alert the Chair you wish to speak. On the phone, press \*9.

More access instruction found here: <https://www.exeternh.gov/townmanager/virtual-town-meetings>

Contact us at [extvg@exeternh.gov](mailto:extvg@exeternh.gov) or 603-418-6425 with any technical issues.

**AGENDA**

1. Call Meeting to Order
2. Board Interviews – Budget Recommendations Committee
3. Public Comment
4. Swearing-In of Sergeant Sonya Robicheau
5. Proclamations & Recognitions
6. Approval of Minutes
  - a. Regular Meeting: February 13, 2023
7. Appointments
8. Discussion/Action Items
  - a. OmniBallot Update
  - b. VHB – Roundabout Presentation
  - c. Squamscott River Siphons Project Update
9. Regular Business
  - a. Tax Abatements, Veteran's Credits & Exemptions
  - b. Permits and Approvals
  - c. Town Manager's Report
  - d. Select Board Committee Reports
  - e. Correspondence
10. Review Select Board Calendar
11. Non-Public Session
12. Adjournment

Niko Papakonstantis, Chair  
Select Board

Posted: 2/24/23 Town Office, Town Website

Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours notice.

**AGENDA SUBJECT TO CHANGE**

## **Board Interview**



**Town of Exeter**  
Town Manager's Office  
10 Front Street, Exeter, NH 03833

Interview  
Feb. 27, 2023  
6:50 pm

**Statement of Interest  
Boards and Committee Membership**

**Committee Selection:** Budget Recommendations Committee

**New**

**Re-Appointment**

**Regular**

**Alternate**

**Name:** Timothy Gwynne **Email:** tgwynne@protonmail.com

**Address:** 16 School St. **Phone:** 978-994-4272

**Registered Voter:** Yes  No

Statement of Interest/experience/background/qualification, etc. (*resume can be attached*).

My name is Timothy Gwynne and I am interested in the Budget Recommendations Committee.  
This is not an area I have extensive experience in beyond managing my own household budget, but I consider myself a reasonable person with good fiscal skills and a fiduciary mindset. In my day job, I am a Cyber Security Engineer for Tufts University. I am very interested in giving back to the Exeter community and this seems like a good opportunity for me to serve my community.

If this is re-appointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: 1. this application will be presented to the Exeter Select Board only for the position specified above and not for subsequent vacancies on the same board; 2. The Town Manager and Select Board may nominate someone who has not filed a similar application; 3. this application will be available for public inspection.

After submitting this application for appointment to the Town Manager:

- The application will be reviewed and you will be scheduled for an interview with the Select Board
- Following the interview the Board will vote on your potential appointment at the next regular meeting
- If appointed, you will receive a letter from the Town Manager and will be required to complete paperwork with the Town Clerk prior to the start of your service on the committee or board.

**I certify that I am 18 years of age or older:**

Signature:  Date: 02/07/2023

*To be completed by Select Board upon appointment:*

Date Appointed: \_\_\_\_\_ Term Ending: \_\_\_\_\_ Full: \_\_\_\_\_ Alternate: \_\_\_\_\_



## **Swearing in of Sergeant Sonya Robicheau**



# **Exeter Police Sergeant Swearing In**

**Please join us for the swearing in ceremony of:**

**Sgt. Sonya Robicheau**

**February 27, 2023 @ 1900 HRS**

**Exeter Town Offices- Nowak Room**

## **Proclamations/Recognitions**

## **Approval of Minutes**

Select Board Meeting  
Monday February 13, 2023  
6:30 PM  
Nowak Room, Town Offices  
Draft Minutes

1. Call Meeting to Order

Members present: Julie Gilman, Molly Cowan, Lovey Roundtree Oliff, and Niko Papakonstantis. Nancy Belanger was present remotely via Zoom. She stated that she was unable to attend in person and that she was alone in the room.

Town Manager Russ Dean and Assistant Town Manager Melissa Roy were also present at this meeting.

The meeting was called to order by Mr. Papakonstantis at 6:30 PM, and Ms. Cowan, Ms. Gilman, and Mr. Papakonstantis went downstairs to the Wheelwright Room for interviews.

2. Board Interviews

- a. Kathryn Ryder for the Human Services Funding Committee
- b. Theresa Page for the Zoning Board of Adjustment
- c. Laura Montagno for the Zoning Board of Adjustment

The Board reconvened in the Nowak Room at 7 PM.

3. Public Comment

- a. There was no public comment at this time.

4. Proclamations/Recognitions

- a. Swearing in of Sgt. Sonya Robichaud
  - The swearing-in was deferred to the next meeting.

5. Approval of Minutes

- a. Regular Meeting: January 30, 2023

**MOTION:** Ms. Gilman moved to approve the minutes of January 30, 2023 as presented. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

6. Appointments

**MOTION:** Ms. Gilman moved to appoint Theresa Page as a full member of the Zoning Board of Adjustment, term to expire April 30, 2023. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to appoint Laura Montagno as an alternate member of the Zoning Board of Adjustment, term to expire April 30, 2024. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to appoint Kathryn Ryder to the Human Services Funding Committee for an unexpiring term. Ms. Belanger seconded. In a roll call vote, the motion passed 5-0.

7. Discussion/Action Items

a. Fire Department EMS Fee Update

Fire Chief Eric Wilking was present to discuss the proposed fee update. Chief Wilking said we haven't adjusted our ambulance rates since 2021. In 2013, the Select Board established a formula of the established Medicare rates plus a 30% administrative fee. Comstar is an independent third party that we've used for billing for 6-7 years. They advised us on best practices and established rates throughout New England. They bill for thousands of municipalities and private ambulance services, and our rates are at the bottom of almost every category. Maine is billing at Medicare plus 100%. Ambulance services peaked last year, with 2,342 requests for ambulances. Due to aging demographics, 60% of patient billing is for Medicare services. 30% is billed to private insurance companies.

Chief Wilking said we're proposing to move from Medicare + 30% to Comstar's model of Medicare + 100%. We will realize a \$40,000-44,000 increase in revenue from Medicare alone.

Ms. Gilman asked what Medicare plus 100% means. Chief Wilking said Medicare sets a rate of \$440 for an advanced life support call [ALS]. We can bill whatever we want, but we will only receive a \$440 reimbursement. It's the bar the industry uses to set the rate. Supplemental insurance can pay the remainder. Ms. Belanger asked what happens if the patient doesn't have supplemental insurance. Chief Wilking said we have several patients that we transport that have no insurance. We ask Comstar to send out two bills; if the first is not paid, we send a second reminder bill. If we don't receive the money after that, we would be notified, and a decision would be made if the patient could not pay and should have the cost forgiven or if it should go into collections. He added that 99.9% of the time we get paid.

Ms. Belanger asked about the revolving fund. Mr. Dean said it's a roughly \$500,000 fund, so it's fairly healthy right now. 95% of the fund balance is turned back to the General Fund to pay for EMT salaries. Chief Wilking said the FD used that fund last year to purchase Air Lifting Bags and a rescue tool.

**MOTION:** Ms. Gilman moved to authorize the Exeter Fire Department to update the ambulance transportation rates to Medicare plus 100%, effective February 13, 2023. Ms. Cowan seconded. In a roll call vote, the motion passed 5-0.

b. Squamscott River Siphons Project Update

Town Engineer/Interim DPW Director Paul Vlasich and Wright-Pierce Engineers Michael Theriault and Kevin Garvey were present to give an update on this project.

Mr. Vlasich said in 2021 a town vote approved the construction of an additional siphon barrel to go across the Squamscott River and flow to the pump station at Swasey Parkway. Flows there average 500,000 gallons a day. There are two existing sewer



siphons; siphons are a way to go through a dip in elevation without using a pump station. These are 8" siphon pipes from the 1960s. We wanted to do an additional barrel because they've reached their flow capacity, and any growth along Portsmouth Ave, Jady Hill, or Holland Way may not be allowed due to their capacity. Our contractor tried to clean the existing siphons and found holes in the pipes. We decided to construct three new siphon barrels to replace the two that were deficient plus a new one. This will bring us more in compliance. In FY22, there was Congressional directed spending and State and town ARPA funds to go towards the cost of the three siphon barrels. The preferred alternative was to directionally drill three barrels under the river. There were a couple of extra borings put in to test the conditions of the soil, and they did not find any ledge. Bids for construction came back at \$1.63M plus \$274,000 of design. Our subcontractor delivered the pipes, two 10" polyethylene pipes plus a 12" pipe, and started drilling around Christmas. The work was expected to take 5 days. The plan was to put a drilling head down at an angle on the Swasey side, get down about 20 feet under the river, then come up on the other side and pull the pipe under the river. They hit something at 80 feet, relocated, and hit something again in the same vicinity. This was presumed to be a ledge outcropping, which was a surprise. The bit they were using couldn't make it through rock, so they had to come in with a rock bit and an additional drill rig to enlarge the hole on both sides. There need to be three passes through any type of ledge to make a hole wide enough for the pipe. We only authorized one barrel under these conditions. They found they couldn't change directions under the river and hit the ledge deeper under the river, and the soft soils made it difficult to find the hole again. They're on their 5th attempt on the Swasey Parkway side, after two attempts on the Mill Buildings side. As of today, they're finally halfway across the river, but that bit will wear out before it finishes. We authorized the subcontractor to install a conductor barrel, which is another pipe they can put down to where it hits the ledge to enable them to hit the hole. The daily costs for this operation are significant. The production is only about 50 feet a day, and we have 500 feet done and 300 to go. Once there's a connection to the drill from two ends, we won't lose the hole. We need to evaluate how we want to move forward on this project. One option is to try a seismic monitoring technology, which will provide additional information about any ledge that's out there.

Mr. Papakonstantis said in December 2020, it was a situation that had to be dealt with with immediacy. Is the delay negatively affecting this neighborhood? Mr. Vlasich said it's the same emergency as in 2020, but since that time, we've developed a contingency plan if the existing siphons fail. We could get a pumping situation similar to the one done for the collapse on High Street a few years ago. Sewage would be pumped along the Mill property across String Bridge and tie into a sewer manhole near Water Street. If we can get the one barrel installed, we can use that to get the effluent to the main pumping station. We should be able to give an update in a couple of weeks.

Ms. Belanger said she would like to know the cost to date at that time, plus any expected bills. Mr. Papakonstantis asked for a rough idea of how much overbudget this could go. Mr. Vlasich said if we're only making 50 feet a day, one tunnel looks like doubling the cost of the project, and then we have to do two more. We'll have to evaluate whether we want to do the same process for the other two.

Mr. Papakonstantis asked how often they have project meetings with town staff, and Mr. Vlasich said every other week, coinciding with the construction meetings. Often we invite abutters but haven't been for the last few weeks due to the issues.

Mr. Papakonstantis said he learned about this issue from the Swasey Parkway Trustee meeting. It's frustrating to learn about significant problems with this project not in a timely manner. The Town Manager could give us an update as part of his report going forward so we don't have any more surprises. We have to start thinking of a way to pay for this, considering that the budget is already on the warrant.

c. OmniBallot Update

Mr. Dean said staff has been working on the OmniBallot issue. They told us they're only selling 100 units at a time, but we got them to offer us a test unit for the March 2023 voting. They will provide a tablet with the town ballot pre-loaded and we'll be testing the printing from the tablet. We're working on verifying the school ballot.

d. Legislative Update

Ms. Gilman presented a report on the bills that would be on the floor this week at the State House. She said that Judiciary, Education, and Criminal Justice are the biggest committees to be watching.

8. Regular Business

a. Tax Abatements, Veterans Credits and Exemptions

**MOTION:** Ms. Gilman moved to approve a Veterans Credit for 72/58, 87/3/65, and 72/2/3, each in the amount of \$500, for tax year 2023. Mr. Papakonstantis seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to approve Disability Exemptions for 65/124/35, 95/64/188, 95/64/80 and 95/64/342 in the amount of \$125,000 each for the tax year 2023. Mr. Papakonstantis seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to deny a Disability Exemption for 104/79/1012 for tax year 2023. Mr. Papakonstantis seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to approve Elderly Exemptions in the amount of \$236,251 for tax year 2023 for 63/163, 72/117/9, 73/233, 80/6/41, 104/79/516, 87/14/20A, 73/136, 28/5, 65/56, 63/120, 32/12/22, 104/79/134, 80/7/2, 104/79/219, 68/6/421, and 104/79/132A. Ms. Cowan seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to approve Elderly Exemptions in the amount of \$183,751 for tax year 2023 for 104/79/954, 95/64/148, 104/79/616, and 104/79/208. Ms. Cowan seconded. In a roll call vote, the motion passed 5-0.

**MOTION:** Ms. Gilman moved to approve Elderly Exemptions in the amount of \$152,251 for tax year 2023 95/64/297, 95/64/349, 68/6/825, and 87/8/B-11. Ms. Cowan seconded. In a roll call vote, the motion passed 5-0.

b. Permits & Approvals

Mr. Papakonstantis said in light of the recent settlement with Riverwoods, the Finance Director is asking the interest and fees be waived.

**MOTION:** Ms. Gilman moved to waive the interest on late property tax payments for 97/23, 80/18, and 98/37, in the amount of \$1,187.67. Ms. Oliff seconded. Ms. Belanger recused herself. In a roll call vote, the motion passed 4-0-1.

c. Town Manager's Report

- i. There is now a Helpsy bin at the Transfer Station. He reached out to School Superintendent David Ryan, and the SAU is also working on getting two bins.
- ii. Housing Advisory discussed 149 Kingston Road, a town-owned property.
- iii. Town Clerk Andie Kohler has fulfilled the requirements for Exeter to become an Athenian fellow. This is in honor of municipal clerks at their best.
- iv. He's attending a Health Trust meeting this week.
- v. The FD responded to 16 water emergencies during the cold weather. They had 61 calls during the three-day period. For town property, a sewer pipe burst at the library, and we're going through the insurance process.
- vi. The SCBAs for the FD came in today.

d. Select Board Committee Reports

- i. Ms. Oliff had no report.
- ii. Ms. Cowan had no report.
- iii. Ms. Gilman had no report.
- iv. Ms. Belanger said that at the Planning Board meeting, the Town Planner talked about the zoning proposal. At Housing Advisory, representatives of the Housing Authority came to speak about public housing and rental assistance. Public Housing has a 3-5 year waitlist depending on income level, residence, and employment. She invited the Housing Authority to come to a Select Board meeting in the future.
- v. Mr. Papakonstantis said that at Sustainability Advisory meeting, guest speaker Ms. Gilman talked about State activity on single use plastics. The Committee discussed the Deliberative Session and the Citizens Petition. They welcomed new member Ryan Jean. They discussed initiatives regarding climate action. A subcommittee is working on a revised mission statement and charge. River Advisory is postponed until March.

Mr. Papakonstantis said the All-Boards meeting Feb 8 at the Library was well-attended and exciting, with a lot of ideas shared. We identified two areas of communication: internally between staff and

Boards, and externally to the public, and came up with some ideas for each. Folks are excited to work on this. The next meeting will be in the fall. The ZBA did not receive the email; he apologized and said he will fix that next time. Ms. Belanger said she was glad there were minutes and it was filmed by EXTV. It's important for the community to hear what was discussed.

e. Correspondence

- i. A legislative bulletin from NHMA
- ii. Minutes from the All-Boards meeting.
- iii. A business outreach update sent out by Mr. Winham which was not fully legible.
- iv. A notice about the Parks and Rec Summer Camp Scholarship Fund which was not fully legible.
- v. A notice about the Exeter summer music series
- vi. Further correspondence from Attorney Somers, which Mr. Papakonstantis said they have addressed by appointing two new members to the ZBA.
- vii. A notice of an Environmental Services groundwater permit

9. Review Board Calendar

- a. The next meetings are Feb 27 and March 6.

10. Non-Public Session

- a. There was no non-public session at this time.

11. Adjournment

**MOTION:** Ms. Gilman moved to adjourn. Ms. Cowan seconded. In a roll call vote, the motion passed 5-0. The meeting was adjourned at 8:36 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary

## **Appointments**

## **Discussion/Action Items**



## **OmniBallot Update**



# TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 777-1514

[www.exeternh.gov](http://www.exeternh.gov)

## MEMORANDUM

**TO: Russ Dean, Town Manager**

**DATE: February 23, 2023**

**FROM: Andrea Kohler, Town Clerk**

**RE: OmniBallot Update**

As of February 23, 2023, we have had a successful test of the OmniBallot. Democracy Live sent us a tablet with a USB stick. I uploaded the ballot onto the tablet and did two tests, one using just the touch screen and one using the headphones. Both were successful. Once reported to Democracy Live of the positive testing, I have sent them a PDF of the Town Ballot, School District Ballot and the Co-op Ballot. They reported back to me on 2/23 that I was ready to test however, I am still waiting on the Co-op Ballot to arrive from the printers. Once it is received, I will proceed with the testing, as well as sending out the absentee ballots.

I would encourage every voter to try the OmniBallot System as it is not just for the disabled, but anyone can use it. It's quicker than coloring in the ovals, as you can use a touch screen to make your selections.

Respectfully submitted,

Andrea Kohler, CTC, CMC  
Exeter Town Clerk

## **Roundabout Presentation**

**Exeter Intersection  
Evaluations**



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**Front Street at Pine and Linden Streets**

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**Winter Street at Railroad and Columbus Avenues**

February 27, 2023



1

**Project History:**

Conducted a town wide evaluation of existing town roadway intersections to inform decisions on future expenditure of Capital Improvement Plan (CIP) funds and provide a base for further future evaluation.

2

## Methodology:

Primarily evaluated:

- Traffic Operations
- Safety Concerns

3

## Methodology:

Narrowed the focus starting with crash data, then the 2018 Master Plan and the 2019 Warrant Article intersections.

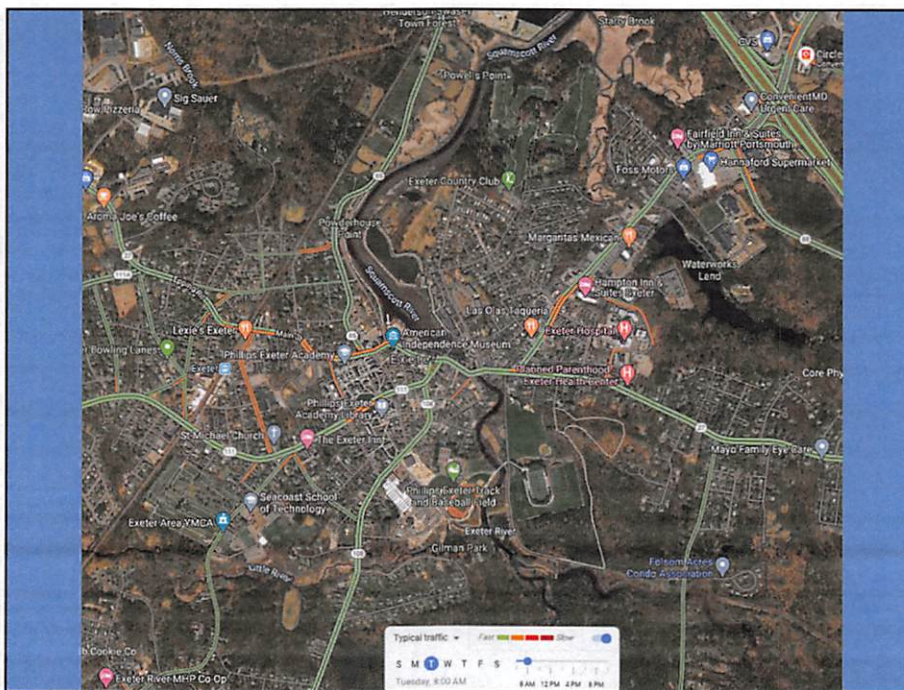
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## Traffic Operations:

- High level overview of intersection delay based on historical peak hour data
- Field observations
- Town input

5



6



### **Safety Analysis:**

- Collected crash data for 88 intersections
- Received input from Town police and Town staff
- Conducted field observations for contributing factors such as geometry, traffic controls and sight lines

7

### **Safety Analysis:**

- Ranked all 88 intersections based on 5-year crash history
- Cross-referenced with the 2018 Master Plan and 2019 Warrant Article 23 intersections

8

Rank	Main Roadway	Intersecting Road	Crashes	Rank	Main Roadway	Intersecting Road	Crashes
1	Epping	Rt. 101	41	45	Front	Elliot	3
2	Front	Water	36	46	Front	Center	3
3	Portsmouth	Holland	27	47	Water	Summer	3
4	Newfields	RR Bridge	27	48	Water	Center	3
5	Epping	Brentwood	25	49	Water	Main	3
6	North Hampton	Rt. 101	20	50	Kingston	John West	3
7	Hampton	Holland	19	51	Court	Maple	3
8	Portsmouth	Alumni	19	52	Linden	Gary	3
9	Epping	Industrial (Front Row)	17	53	Winter	Columbus / Railroad	3
10	Epping	Beech Hill	15	54	Newfields	Swasey	3
11	Epping	Cronin (AllTown)	14	55	Epping	Old Town Farm	2
12	High	Portsmouth	13	56	Epping	Colcord Pond	2
13	Newfields	Rt. 101	13	57	North Hampton	Nathaniel	2
14	Epping	Park	9	58	High	Hall Ct	2
15	Epping	Winter St.	9	59	High	Hampton Falls	2
16	High	Gilman	9	60	Portsmouth	Highland	2
17	High	Pleasant	9	61	Brentwood	Crestview	2
18	Epping	Blue Hawk	8	62	Front	Winter St.	2
19	Hampton	Ashbrook	8	63	Front	Tan	2
20	Front	Court	8	64	Front	Gukk	2
21	Epping	Watson	7	65	Kingston	Ernest	2
22	High	Buzzel	7	66	Kingston	Tamirind	2
23	Portsmouth	Auburn	7	67	Kingston	Cross	2
24	Front	Arches	7	68	Court	Gilman	2
25	Hampton Falls	Ashbrook	6	69	Linden	Sill	2
26	Front	Lincoln	6	70	Epping	Comings Ct.	1
27	Front	Linden / Pine	6	71	Epping	Anna Louise	1
28	Water	Clifford	6	72	Epping	McKay	1
29	Kingston	Powder Mill	6	73	Epping	Brookside	1
30	Main	Winter / Epping	6	74	Hampton	Exeter Farms	1
31	Portsmouth	Greenhill	5	75	Hampton	Acadia	1
32	Main	Tan	5	76	Hampton	Fuller	1
33	Main	Lincoln	5	77	High	Windmere	1
34	Epping	Kings Way	4	78	High	Appledore	1
35	Epping	Continental	4	79	High	Marlboro	1
36	Epping	Pine	4	80	High	Wheelwright	1
37	High	Drinkwater	4	81	High	Folsom	1
38	Brentwood	Washington	4	82	Brentwood	Little River	1
39	Front	Washington	4	83	Brentwood	Doliof Farm	1
40	Court	Gary	4	84	Brentwood	Greenleaf	1
41	Newfields	Walter's Way	4	85	Brentwood	Dogtown	1
42	Hampton	Guinea	3	86	Front	Hobart	1
43	Hampton	North Hampton	3	87	Front	School	1
44	Front	Elm / Spring	3	88	Linden	Kimball	1

9

2018 Master Plan Intersections:		
Intersections	Crash Rank	Collisions per Year
Epping Rd at Brentwood & Columbus Ave	5	4.0
Hampton Rd, High St & Holland Way	7	3.1
Epping Rd, Park St & Winter St	14	1.4
Front St at Pine & Linden St	27	1.0
Hampton Rd at Guinea Rd	42	0.5
Brentwood Rd at Dogtown Rd	85	0.2

10



## 2019 Warrant Article 23 Intersections:

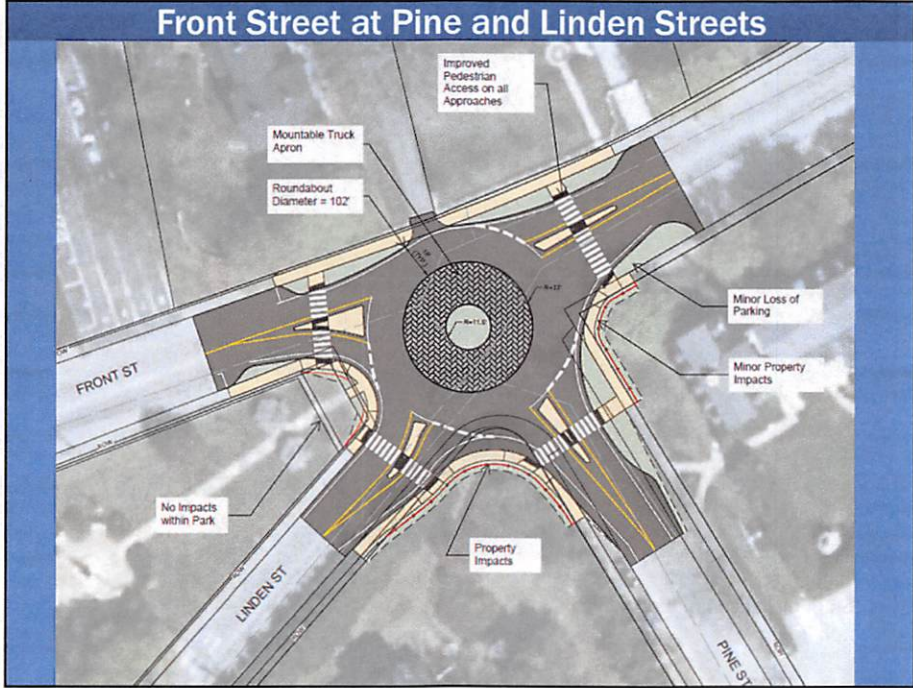
Intersections	Crash Rank	Collisions per Year
Water St at Front St	2	5.8
Front St at Pine and Linden St	27	1.0
Water St at High, Clifford & Franklin St	28	1.0
Winter St at Railroad & Columbus Ave	58	0.5

11

### Front Street at Pine and Linden Streets



12



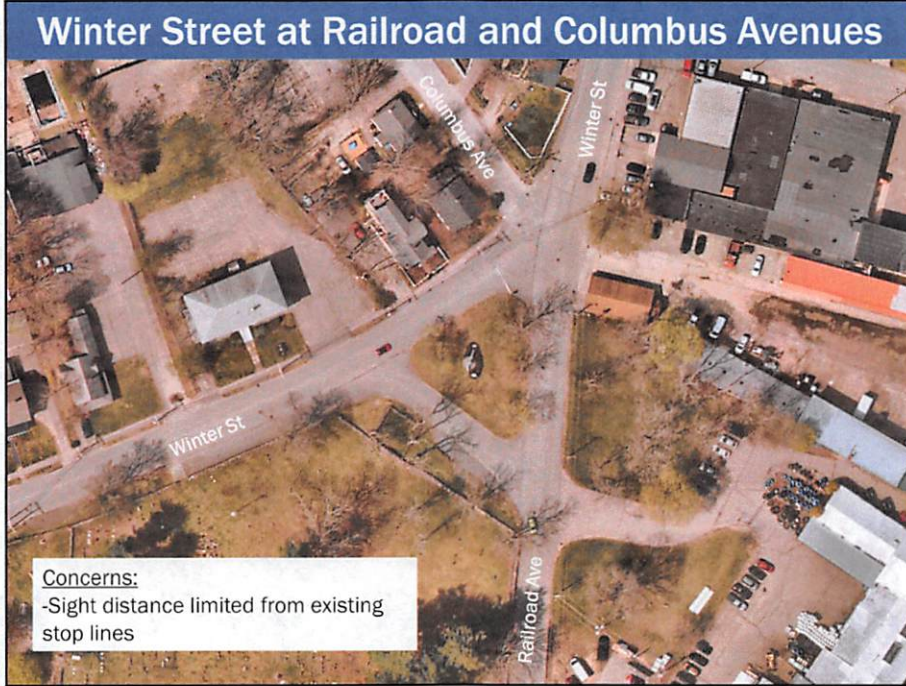
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### Front Street at Pine and Linden Streets

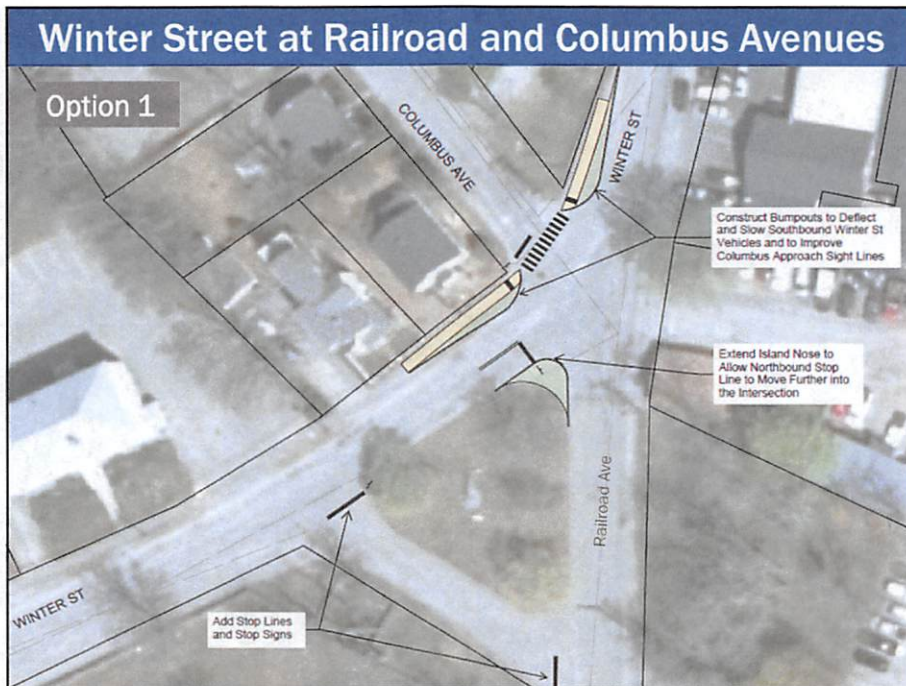
- Slows Front Street traffic
- Improves access from Pine and Linden Streets
- Improves pedestrian access
- Expected to greatly reduce crash severity
- Minor property impacts
- Relatively costly

14

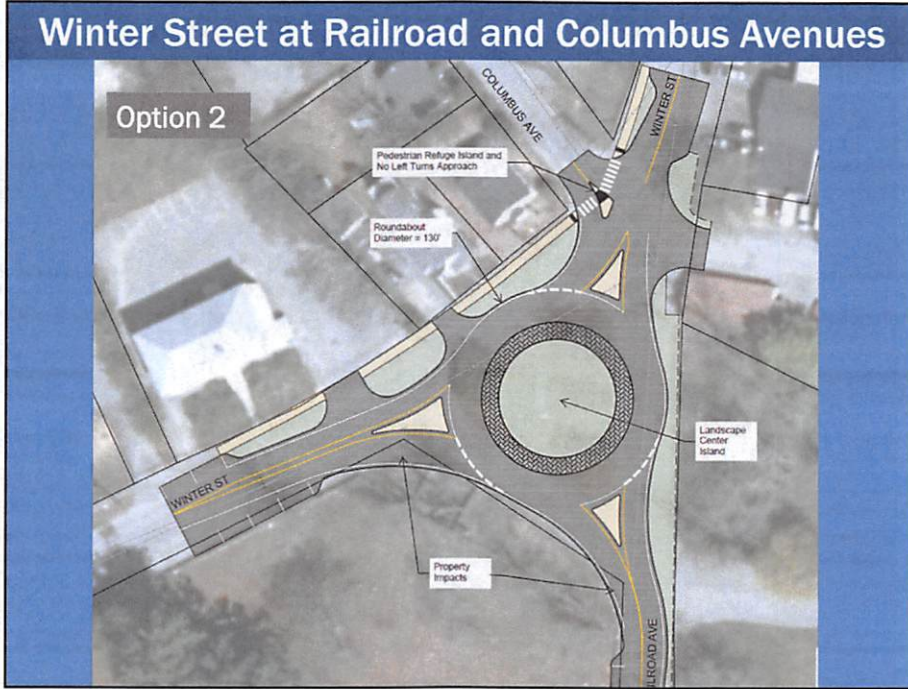




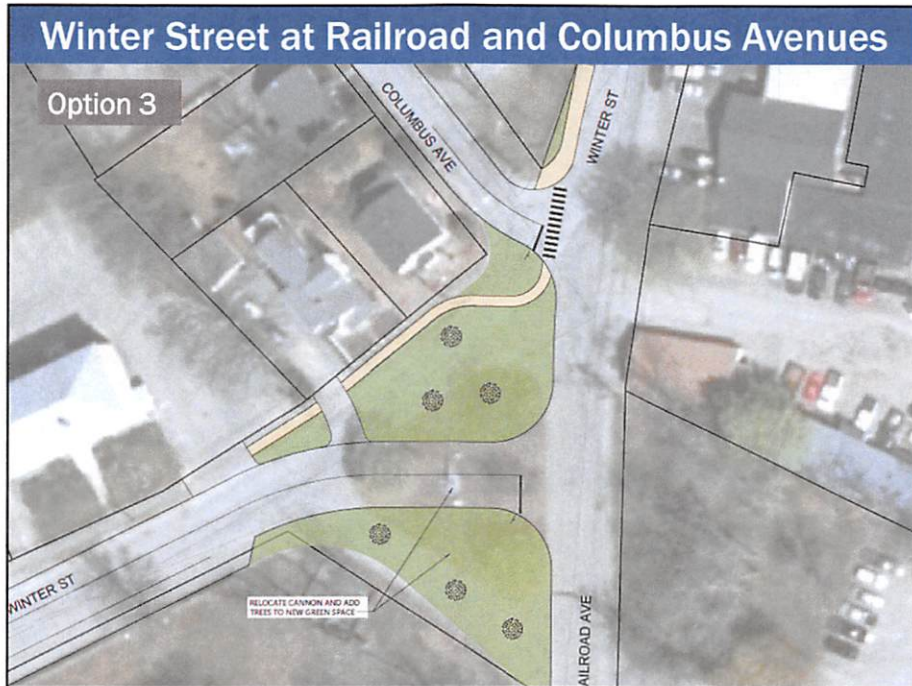
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17



18



## Winter Street at Railroad and Columbus Avenues

### Minor Improvements (Option 1):

- Minimal costs and improvements

### Roundabout (Option 2):

- Slows traffic
- Reduces conflicts
- Expected to greatly reduce crash severity
- Minor property impacts
- Relatively costly (est: \$630,000 in 2021)

### TEE intersection (Option 3):

- Eliminates skewed conflicts
- Medium cost (est: 350,000 in 2021)

19



## **Squamscott River Siphons Project Update**



## **Tax Abatements, Veteran's Credits, Exemptions**

## List for Select Board meeting February 27, 2023

### Veterans Credit

Map/Lot/Unit	Location	Amount	Tax Year
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### Disability Exemption

Map/Lot/Unit	Location	Amount	Tax Year
60/9	8 Dogtown Rd	125,000	2023
95/64/226	12 Alder St	125,000	2023

### Elderly Exemption

Map/Lot/Unit	Location	Amount	Tax Year
104/79/118	118 Robinhood Dr	236,251	2023
104/79/905	905 Camelot Dr	236,251	2023
64/105/93	93 Hayes MH Pk	183,751	2023
95/64/224	16 Alder St	152,251	2023
103/13/20	20 Donna Dr	236,251	2023
54/4/125	50 Brookside Dr O5	236,251	2023
104/79/705	705 Nottingham Dr	152,251	2023
95/64/321	52 Hilton Ave	183,751	2023
104/79/309	309 Friar Tuck Dr	183,751	2023
104/79/320	320 Friar Tuck Dr	236,251	2023
95/64/160	4 Hilton Ave	236,251	2023
104/79/121	121 Robinhood Dr	183,751	2023
73/280	14 Tremont St	152,251	2023
104/79/420	420 Friar Tuck Dr	183,751	2023
65/75	31 Clover St	236,251	2023
95/64/101	40 Lindenshire Ave	152,251	2023
55/24	8 Colcord Pond Dr	183,751	2023
104/79/325	325 Friar Tuck Dr	Denied	2023
74/39	8 Scammon Ln	Denied	2023
73/246	10 Garfield St	236,251	2023
54/4/6	50 Brookside Dr A-6	236,251	2023
28/4	22 Old Town Farm Rd	152,251	2023
52/43	22 Ridgecrest Dr	236,251	2023
81/31	39 Westside Dr	236,251	2023
71/2	27 Hall Pl	236,251	2023
87/8/C-13	C-13 E&H Co-operative	152,251	2023

## **Permits & Approvals**



## TOWN OF EXETER, NEW HAMPSHIRE

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[www.exeternh.gov](http://www.exeternh.gov)

**TO:** EXETER SELECT BOARD AND TOWN MANAGER  
**FROM:** COREY STEVENS, FINANCE DIRECTOR  
**SUBJECT:** SNOW & ICE DEFICIT FUND REQUEST  
**DATE:** FEBRUARY 27, 2023

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I respectfully submit this request for the Select Board to authorize a withdrawal from the Town's Snow & Ice Deficit Fund in the amount of \$87,000 to cover spending in excess of budget during FY2022.

During FY2022, the Town budgeted \$313,201 for snow/ice removal and had actual spending of \$400,704, resulting in overspending of \$87,503. The balance in the snow/ice deficit fund as of 12/31/2022 was \$153,630. Should the above request for \$87,000 be authorized, the new fund balance at 12/31/2022 will be \$66,630. Article 23 of the 2023 Town Warrant asks voters to add an additional \$50,000 to the snow/ice deficit fund. Adding \$50,000 to the snow/ice deficit fund will result in a starting balance of \$116,630 for FY2023.



## TOWN OF EXETER, NEW HAMPSHIRE

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**TO:** RUSSELL DEAN, TOWN MANAGER  
**FROM:** COREY STEVENS, FINANCE DIRECTOR  
**SUBJECT:** USE OF WATER/ SEWER IMPACT FEES  
**DATE:** FEBRUARY 15, 2023

---

The Water and Sewer Impact Fee bank accounts have balances of \$56,093.78 and \$96,158.19 respectively as of 12/31/2022. The Town is authorized to use water/ sewer impact fees to offset debt payments on water/ sewer capital projects. I recommend that an amount representing the water and sewer impact fees collected in 2021 be transferred in to the General Fund for that purpose at this time. The total to be transferred would be \$42,145.27, broken down as follows: Water Impact Fee account \$13,716.56; Sewer Impact Fee account \$28,428.71.

*Corey*



## EXETER FIRE DEPARTMENT

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*Advanced Life Support / EMS - Fire Suppression - Health Department - Emergency Management*

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### INTEROFFICE MEMORANDUM

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**TO:** Russ Dean, Town Manager  
**FROM:** Jason Fritz, Deputy Fire Chief  
**SUBJECT:** Address Changes - Tan Lane  
**DATE:** 02/14/2023

Russ,

Can you please add this to the agenda for the next Select Board ?

The E911 Committee has been working to correct addressing discrepancies on Tan Lane. Currently, the building numbers start on the wrong side of Tan Lane and are out of order. This makes emergency response extremely difficult.

Attached you will find voluntary address change forms for all the affected properties. Also attached is a map that will help illustrate the addressing concerns for this area.

Recommended motion;  
To accept the new numbering of the buildings on Tan Lane as listed.

I anticipate being at the Select Board meeting Monday, February, 27th and would be happy to answer any questions at that time.

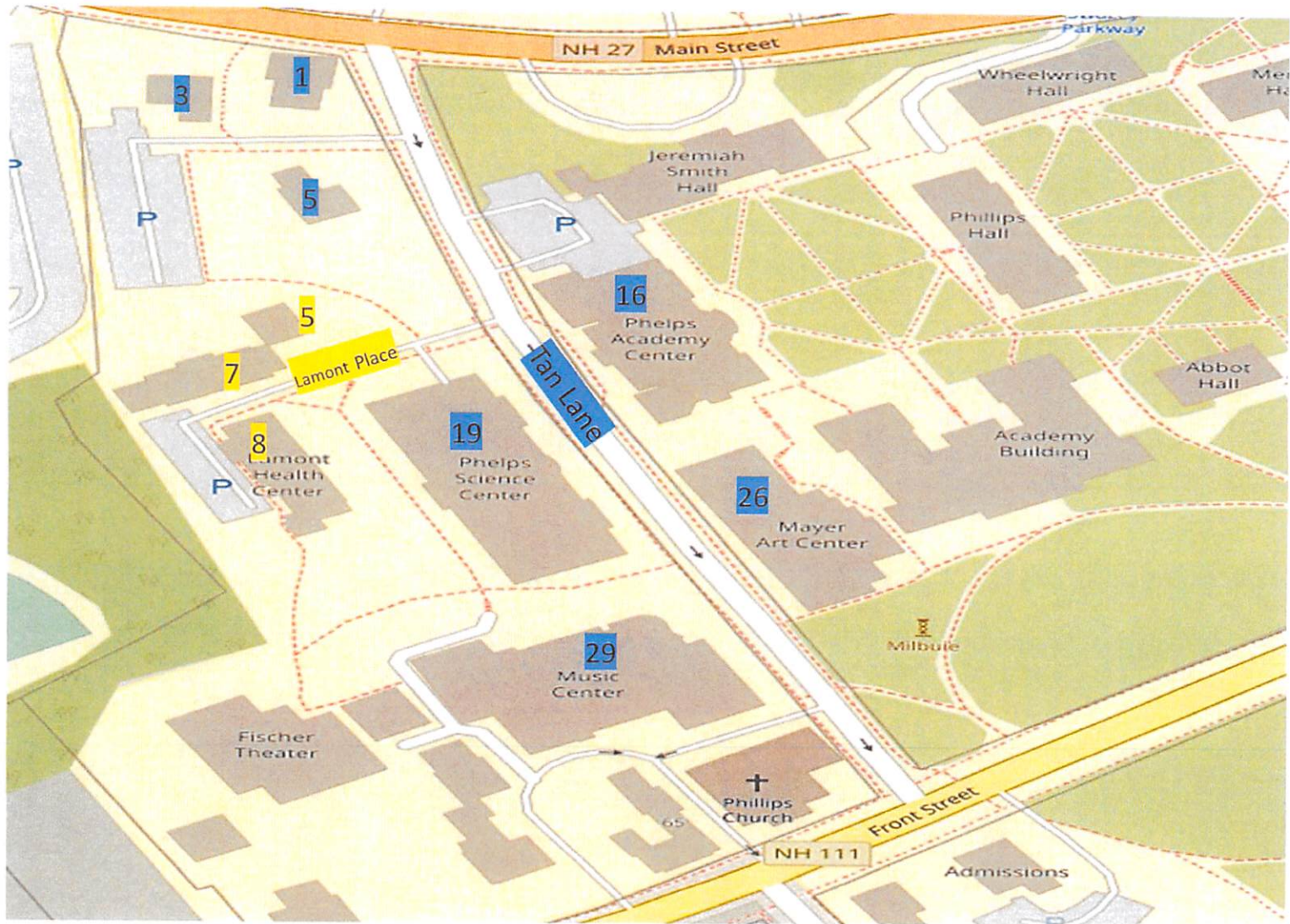
Thank you,

Jason

*"A Tradition of Service"*

## Address changes to Tane Lane

<b>Current #</b>	<b>Map &amp; Lot #</b>		<b>New #</b>
<b>9 Tan Lane</b>	map 72 lot 208	will be renumbered to	<b>16 Tan Lane</b>
<b>14 Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>29 Tan Lane</b>
<b>12 Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>19 Tan Lane</b>
<b>16 Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>5 Tan Lane</b>
<b>18 Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>1 Tan Lane</b>
<b>34 Main Street</b>	map 72 lot 209	will be renumbered to	<b>3 Tan Lane</b>
<b>8 Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>5 Lamont Place</b>
<b>10 Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>7 Lamont Place</b>
<b>12 R Tan Lane</b>	map 72 lot 209	will be renumbered to	<b>8 Lamont Place</b>





DATE 2/14/23

MAP 72 LOT 208 & 209

TOWN OF EXETER NH

**APPLICATION FOR  
VOLUNTARY  
CHANGE OF ADDRESS**

NAME OF OWNER: Phillips Exeter Academy

MAILING ADDRESS 20 Main St, Exeter NH

LOCATION OF PROPERTY: See Attached

APPLICATION IS FOR CHANGE OF ADDRESS NUMBER FROM: See attached

TO: \_\_\_\_\_ FOR EMERGENCY RESPONDERS TO EASILY LOCATE THE  
PROPERTY.

Signature of property owner(s): 

Select Board:      Approve                      Reject

Explanation: \_\_\_\_\_  
\_\_\_\_\_

Date recommended by E911 2/17/2023

Date adopted by the Select Board   /  /



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*Advanced Life Support / EMS - Fire Suppression - Health Department - Emergency Management*

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### INTEROFFICE MEMORANDUM

---

TO: Russ Dean, Town Manager  
FROM: Jason Fritz, Deputy Fire Chief  
SUBJECT: Numbering Update for 54 Drinkwater Rd  
DATE: 02/15/2023

Russ,

Can you please add this to the next Select Board meeting agenda?

The E911 Committee has been working with the property owners at 54 Drinkwater Rd, specific to the proposed division of the lot into 2 separate parcels.

Attached is the completed voluntary change of address form and the map that will help illustrate the current address and lot lines.

Recommended motion;

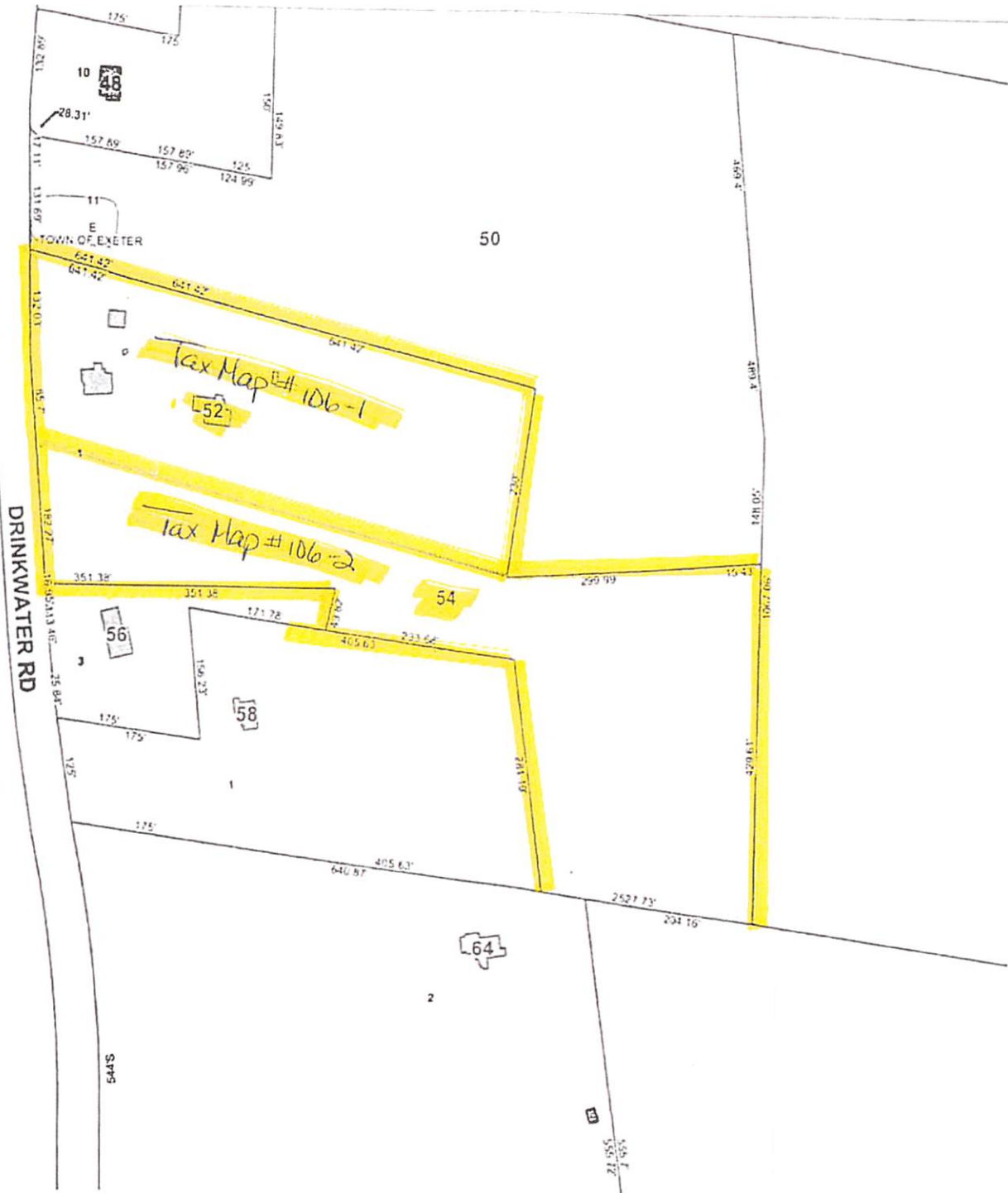
To accept the new numbering of the divided property on Drinkwater Rd as listed

I anticipate being at the Select Board meeting Monday the 27th and would be happy to answer any questions you have.

Thank you,

Jason

***"A Tradition of Service"***



- Parcels
- N-1 Highways
- Interstate
- US Highway
- State Highw
- Town Boundary
- Abutting Towns
- Streets (Updated)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

Printed on 12/06/2022 at 08:58 AM

# 54 Drinkwater Road Exeter



DATE 2/14/23

106  
MAP LOT 1

TOWN OF EXETER NH

**APPLICATION FOR**  
**VOLUNTARY**  
**CHANGE OF ADDRESS**

NAME OF OWNER: Rafferty Investment Group LLC

MAILING ADDRESS 371 Islington Street, Suite A, Portsmouth NH.  
03801

LOCATION OF PROPERTY: 54 Drinkwater Road

APPLICATION IS FOR CHANGE OF ADDRESS NUMBER FROM: 54 Drinkwater Rd.

TO: 52 Drinkwater Rd. FOR EMERGENCY RESPONDERS TO EASILY LOCATE  
THE PROPERTY.

Signature of property owner(s): (see attached)

Select Board:            Approval                      Rejected

Explanation: Property at 54 <sup>(TM#106-1)</sup> Drinkwater Rd. subdivided into 2 lots.  
The new address for TM#106-1 will become "52" Drinkwater Rd.  
The address for TM#106-2 will become "54" Drinkwater Rd.  
See subdivision & Town tax map attached.

Date recommended by E911 12/6/22

Date adopted by Select Board 1 1

DATE 12/7/22

106  
MAP LOT 1

TOWN OF EXETER NH
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**APPLICATION FOR  
VOLUNTARY  
CHANGE OF ADDRESS**

NAME OF OWNER: Rafferty Investment Group LLC

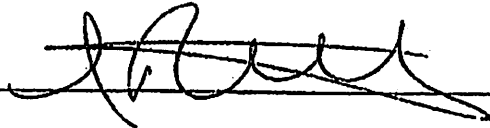
MAILING ADDRESS 371 Islington St., Ste. A, Portsmouth, NH 03801

LOCATION OF PROPERTY: 54 Drinkwater Rd

APPLICATION IS FOR CHANGE OF ADDRESS NUMBER FROM: 54 Drinkwater Rd

TO: 52 Drinkwater Rd FOR EMERGENCY RESPONDERS TO EASILY LOCATE  
THE PROPERTY.

Signature of property owner(s):





## EXETER FIRE DEPARTMENT

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*Advanced Life Support / EMS - Fire Suppression - Health Department - Emergency Management*

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### INTEROFFICE MEMORANDUM

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TO: Russ Dean, Town Manager  
FROM: Jason Fritz, Deputy Fire Chief  
SUBJECT: New Address, 31 High Street  
DATE: 02/15/2023

Russ,

Can you please add this to the next Select Board meeting agenda?

The E911 Committee has approved a new address located at 31 High Street for a new residential structure that is part of the PEA Faculty Housing Project.

Attached is a map that will illustrate the new building.

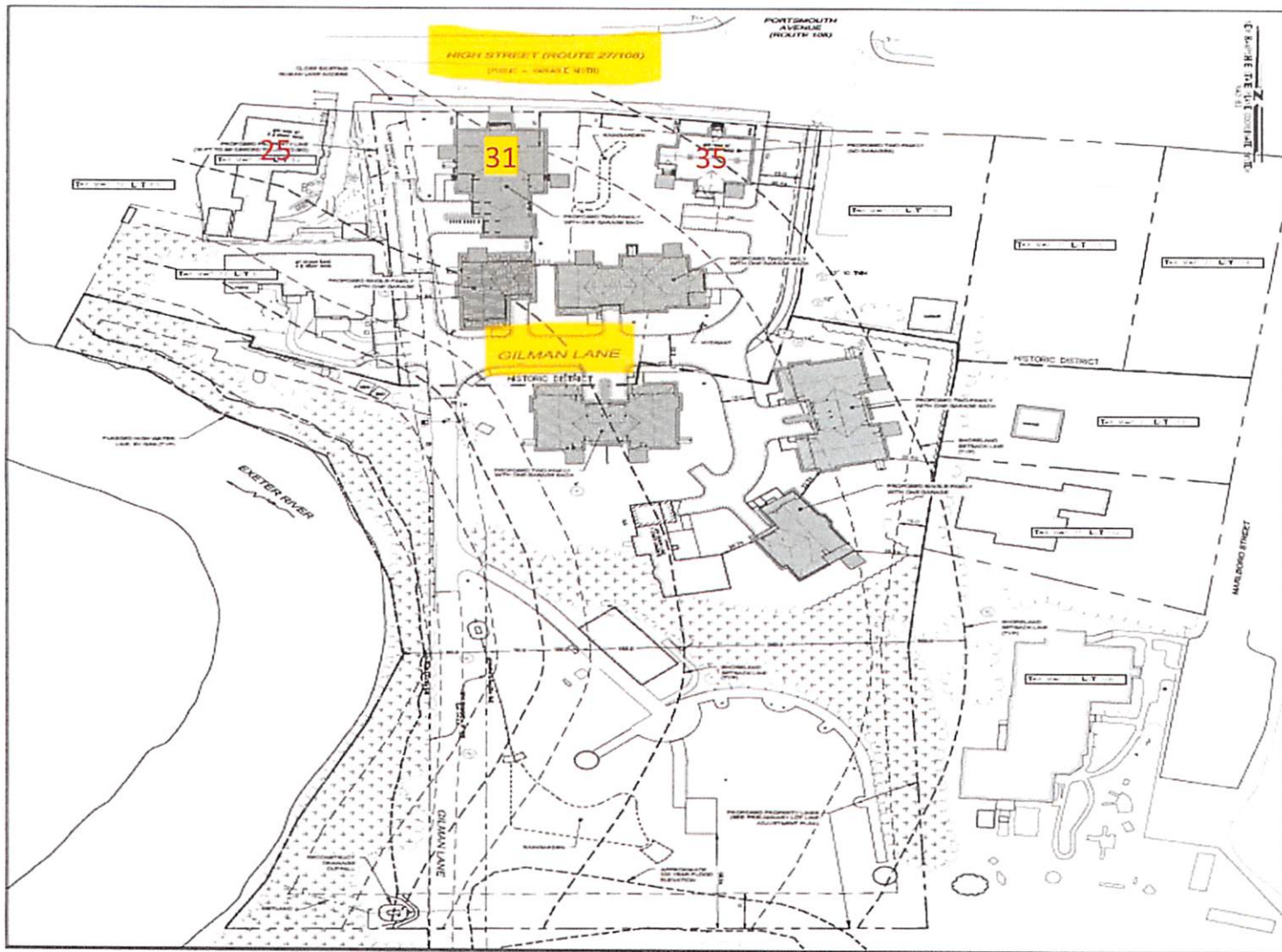
Recommended motion;  
To accept the new address at 31 High Street as listed.

I anticipate being at the Select Board meeting Monday February 27th, and would be happy to answer any questions you have.

Thank you,

Jason









## EXETER FIRE DEPARTMENT

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*Advanced Life Support / EMS - Fire Suppression - Health Department - Emergency Management*

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### INTEROFFICE MEMORANDUM

---

**TO:** Russ Dean, Town Manager  
**FROM:** Jason Fritz, Deputy Fire Chief  
**SUBJECT:** Address Changes - Gilman Lane  
**DATE:** 02/15/2023

Russ,

Can you please add this to the agenda for the next Select Board meeting ?

The E911 Committee has been working to update the addressing on Gilman Lane. These changes will reflect the construction to the PEA Faculty Housing Project.

- 7 Gilman Lane will be renumbered to 15 Gilman Lane.**
- 8 Gilman Lane will be renumbered to 13 Gilman Lane.**
- 10 Gilman Lane will be renumbered to 12 Gilman Lane Unit A & B.**
- 11 Gilman Lane is a new building on Gilman Lane.**

Attached you will find a map that will help illustrate the addressing updates for Gilman Lane.

Recommended motion;

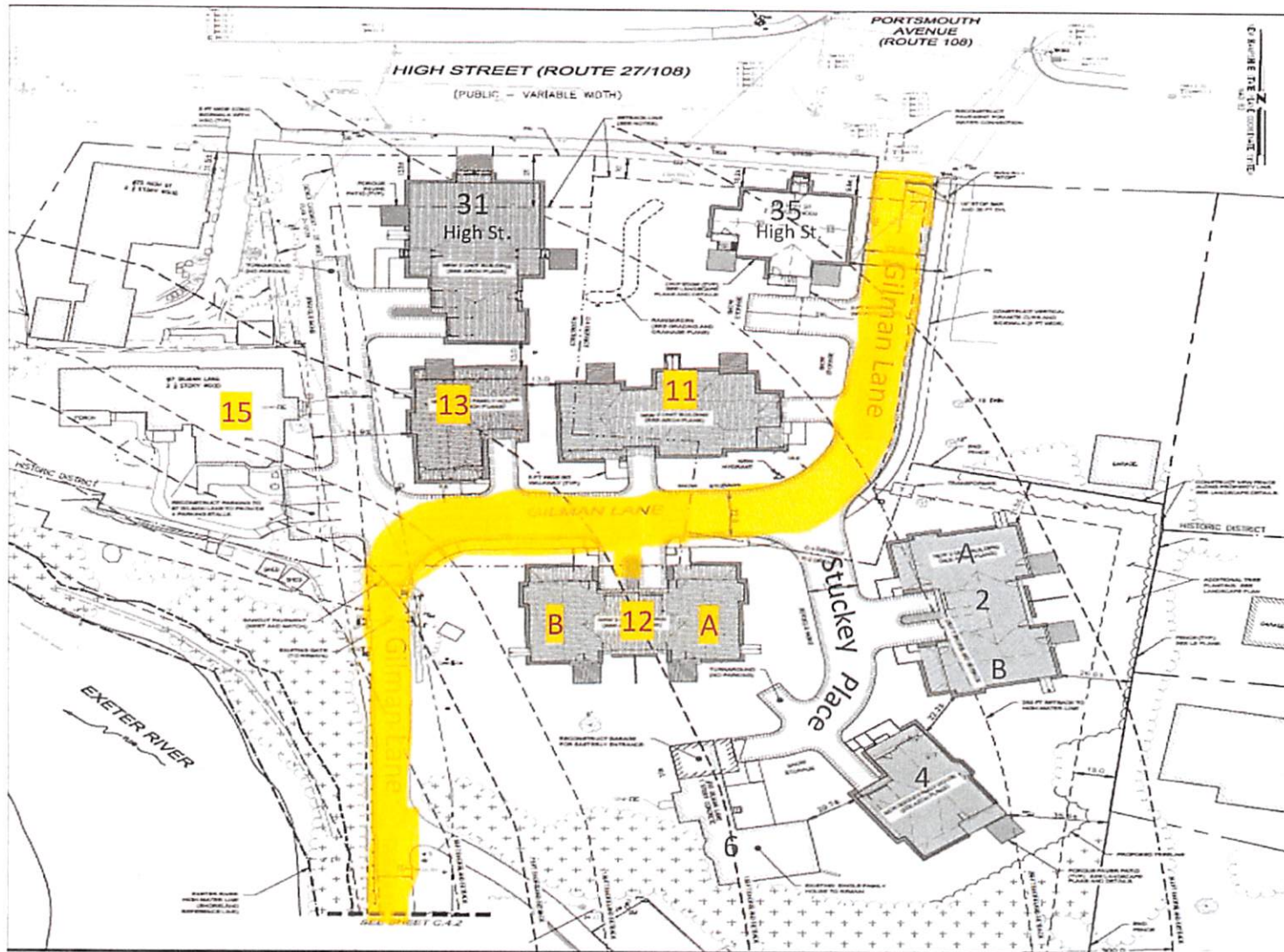
To accept the renumbering of the new and/or renovated buildings on Gilman Lane as listed.

I anticipate being at the Select Board meeting Monday, February, 27th and would be happy to answer any questions at that time.

Thank you,

Jason

***"A Tradition of Service"***



**Town Manager's Report**

## **Correspondence**



[View this email in your browser](#)



## ***Town of Exeter, NH Business Outreach***

Dear Exeter Business:

Happy Friday everyone! The deadline to submit an application to the Local Restaurant Infrastructure Investment Program has been extended to 4:00 PM on March 15, 2023. Exeter Parks and Recreation Department is seeking to establish a scholarship fund for their summer camp program. The Department is also seeking sponsorships for their Exeter Vibe Summer Concert Series. The Exeter Area Chamber of Commerce is hosting their annual Economic Forecast next Thursday, February 2<sup>nd</sup>. The Chamber also is putting on their now annual Eat Local Burger Bowl from February 10 through 19. Please see more details on all of these items below.

### **Local Restaurant Infrastructure Investment Program**

If you own a local New Hampshire restaurant, your business may be able to receive up to \$15,000 to help offset COVID-related equipment and technology costs through the Local Restaurant Infrastructure Investment Program. Don't wait because the application period closes at 4:00 PM EST on March 15, 2023. For restaurants that applied and were awarded a sum less than the \$15,000 cap, you can reapply for additional awards up to the cap amount.

## Exeter Parks and Recreation Department



### Summer Camp Scholarship Fund

From Parks and Recreation Director, Greg Bisson

Exeter Parks and Recreation is looking to establish a scholarship fund for our summer camp. As you may not be aware, all the Parks and Recreation programs have been established to be self-funded, which they need to break even or make a small amount of revenue. We have an established partnership with the AreUin program, in which we offer scholarships to anyone enrolled with AreUin for various programs except summer camp. Our seasonal programs are easy to absorb these scholarship requests. Unfortunately, our larger programs, such as summer camp, where every registration goes toward the camp expenses, need more wiggle room in the budget to offer scholarships. In recent years, Camp expenses have gone up, requiring the department to raise the rates for the summer camp. The cost is \$1,200 per year to send a child to summer camp. \$1,200 may sound high, but Exeter Parks and Recreation is still one of the lowest summer camps on the seacoast. If we were to break it down, it comes to \$150 per week or \$3.75 per hour for child care. Unfortunately, not



all can afford summer camp.

We have tried to develop a scholarship program and have been fortunate to have a few organizations and private residents step up to pay the registration fee for a child or two each summer camp, but we need more. In speaking with our Human Services Director, Pam McEvoy, there are several families she works with that would benefit greatly from an opportunity to send their children to summer camp. We hope you will support us in this effort to create a scholarship fund and sponsor a child to attend summer camp. All businesses and organizations will be recognized for their generosity. If your business or organization is interested in contributing towards camp scholarships, contact Greg Bisson at 603-773-6151 or [Gbisson@exeternh.gov](mailto:Gbisson@exeternh.gov).

### **Exeter Vibe Summer Music Series Sponsorship**

From Parks and Recreation Director Greg Bisson

The Town of Exeter has always loved music and supported it. The pandemic showed us more that people need outdoor live music in their lives. Exeter Parks and Recreation is looking to expand upon live music in Exeter. Traditionally, the Summer Concert Series is a series of FREE Concerts on Swasey Parkway, hosted and coordinated by the Town of Exeter and Exeter Parks & Recreation. The series was started in 1972 and continues to entertain the residents of Exeter. Last year, Exeter Parks and Recreation and TEAM partnered to offer a new Tuesday Night, Tune and Fork night at Townhouse Common with live music and food trucks. We hope to bring back Exeter Kid's Concert will also be making a return in 2023 with 2 Concerts. These are costly events that are currently underfunded. The town has supported the typical summer concert series but EPRD needs assistance to expand it to the music in Exeter. This is an excellent way to market your business in front of one of Exeter's well-attended community events!

#### **Sponsorship Level Information**

---

## **Exeter Area Chamber of Commerce**

From Chamber President Jennifer Wheeler

### **Economic Forecast Thurs Feb 2 7:30-9:30AM @ SST.**

The 2023 Economic Forecast will discuss New Hampshire's economy, its impact on the Exeter area, and how to best position and prepare your business for the year ahead.

More information and to register:

[2023 ECONOMIC FORECAST](#)

The Exeter Area Chamber of Commerce Presents the:

## 2023 ECONOMIC FORECAST

Prepare your business for the year ahead

**Speakers:**

**Taylor Caswell**  
Commissioner, Bureau of Business and Economic Affairs

- Thursday, February 2, 2023
- 7:30 AM - 9:30 AM  
7:30 AM Registration, 8:00 AM Event
- Seacoast School of Technology  
40 Linden Street  
Exeter, NH 03833
- \$25 Chamber Members  
\$35 Non-Members  
\$45 at the door

### **Exeter Chamber to Host Economic Forecast Event**

### **Eat Local Burger Bowl Feb 10-19.**

The Eat Local Burger Bowl was created to celebrate the creativity and deliciousness of restaurants in the Exeter Area. Held between Friday, February 10 through Sunday, February 19, the Eat Local Burger Bowl will answer the question of who makes the best burger in the Exeter Area.

More info (including who has already signed up) and to register:

[2023 BURGER BOWL.](#)

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The Town of Exeter, NH would like to thank all of the small businesses in Exeter for bringing vibrancy to our community. As always, feel free to contact me for assistance at your convenience. I wish you, your families and your colleagues



good health.

Sincerely,

Darren Winham  
Economic Development Director  
Exeter, NH  
603.773.6122 cell  
[dwinham@exeternh.gov](mailto:dwinham@exeternh.gov)



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## House results February 23-24

### BILLS LAID ON THE TABLE

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

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

**HB 234-FN**, relative to renewable energy credits. Pending question: No pending question.

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

**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 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 430-FN-L, S-FRVA** relative to applications for the education freedom accounts program. Pending question: Inexpedient to Legislate.

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

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

### RECONSIDERED

(OTP-ought to pass, OTPA-ought to pass with amendment, ITL-inexpedient to legislate, VV, voice vote)

**HR7**, calling for the federal government to preserve and protect Medicare and Social security without cuts to benefits **OTP 333-12**

**HR 16 S-FVA** relative to the Internal Revenue Service **ITL 283-60**

**HB 234-FN STE** relative to renewable energy credits. **OTP 177-167**

**HB 246-FN, STE** relative to uses of moneys in the renewable energy fund. **OTP 179-176**

**HB 430-FN-L, ED** relative to application for the education freedom accounts program **ITL 176-169**

**HB 498-FN, F&W** requiring fish and game officers to obtain a warrant to conduct a search and seizure. **ITL 233-113**

**HB 598, HHS** relative to funding maternal mortality reviews. **Tabled VV Aye.**

**HB 643. CJ** relative to legalizing marijuana. **OTP 234-127**

### CONSENT CALENDAR

#### CHILDREN AND FAMILY LAW

**HB 126**, relative to choosing the accrual date for child support payments. **INEXPEDIENT TO LEGISLATE.** Rep. Debra DeSimone for Children and Family Law. The committee felt that with no amendment to clarify how often a change could be made, the bill lacked the option of consistency and could create acrimony. Vote 15-1.

**HB 218-FN**, relative to court rules and transcripts in the judicial branch family division. **INEXPEDIENT TO LEGISLATE.** Rep. Heather Raymond for Children and Family Law. This bill would allow any party in any family court proceeding to make a recording of the process. The committee is concerned that this bill would allow parties involved in the Division of Children, Youth and Families, Juvenile Justice, and other non-public cases, to make recordings that could compromise the privacy of involved children. The committee also opposes the prohibition against family court judges using discretion to waive court rules on a case by case basis. An amendment was offered to add some privacy protections and reduce cost of the digital copy of the official court recording but it failed to pass. Vote 16-0.

**HB 490**, relative to modifying the definition of neglect. **INEXPEDIENT TO LEGISLATE.** Rep. Gaby Grossman for Children and Family Law. The committee believes that there is no current issue with the state's existing definition of neglect. New

Hampshire has a system that trusts families to make decisions related to the needs of their child. Families can access education and training related to parenting through the Division of Children, Youth, and Families. Vote 14-2.

**HB 491**, relative to prohibiting the use of the prone restraint for minors. OUGHT TO PASS WITH AMENDMENT. Rep. Mark Pearson for Children and Family Law. This bill as amended takes a balanced and realistic approach to prone restraint. On the one hand, it appropriately notes this form of subduing someone who may be dangerous to him or herself or others is fraught with danger and has been responsible for the deaths of numbers of children. On the other hand, it wisely notes that there are extreme cases in which prone restraint is the best or only way initially to bring under control someone who is in need of restraint. It includes the provisions that it is to be but a brief and transitory method on the way to other and safer forms of restraint and during the administration of restraint, the physical status of the restrained child must continually be monitored. Vote 16-0.

### **COMMERCE AND CONSUMER AFFAIRS**

**HB 39-FN**, relative to paper billing fees. INEXPEDIENT TO LEGISLATE. Rep. John Hunt for Commerce and Consumer Affairs. This bill prohibits a person doing business in this state from being charged an additional fee for receiving a paper billing statement, electing to make a payment by United States mail, or attempting to pay a bill in person. Given that so many businesses do not charge for statements it appears that the bill was focused on bank statements, however banks are exempt from this section of the law. More importantly, some businesses give a credit if you are willing to waive the printed statement. Vote 19-0.

**HB 146-FN**, relative to the closure of state liquor stores. INEXPEDIENT TO LEGISLATE. Rep. Jane Beaulieu for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee believes that obtaining the prior approval of the Fiscal Committee before closing a state liquor store would be financially burdensome and would lead to a general court committee micro managing the liquor commission of NH. Vote 19-1.

**HB 167**, relative to nano brewery licensing. OUGHT TO PASS. Rep. John Hunt for Commerce and Consumer Affairs. The title of the bill removes the requirement that nano breweries manufacture beverages in a public building. Federal law already requires the separation a nano from any residence, so the existing NH law was redundant and enforcement was problematic. Vote 20-0.

**HB 612-FN**, relative to the fees for New Hampshire wine manufacturers. INEXPEDIENT TO LEGISLATE. Rep. Jane Beaulieu for Commerce and Consumer Affairs. The committee heard testimony from small wine manufacturers requesting changes in the fee and tax structures on wine sold in-state and exemptions for a certain volume of wine from taxation. The Liquor Commission does not support the request at this time. In addition, a fiscal note was not provided. For these reasons, the committee recommends this bill as Inexpedient to Legislate. Vote 20-0.

### **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 46-FN**, relative to the appointment of magistrates and repealing the statutes governing bail commissioners. OUGHT TO PASS WITH AMENDMENT. Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. The committee has had several bail bills, driving back bail reform. We accepted the recommendation from the Judicial Branch to deep dive into bail reform. The committee will review whether bail commissioners should be replaced or supplemented by court magistrates and assess the following: What are the benefits and problems with the current bail commissioner system? How could a court magistrate system be structured? Should court magistrates be used to replace bail commissioners? Should court magistrates be used to supplement bail commissioners? Vote 20-0.

**HB 158-FN**, relative to armor piercing ammunition. INEXPEDIENT TO LEGISLATE. Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing testimony in regards to this bill, many issues were apparent. This bill, if passed, would turn many of New Hampshire's law abiding citizens into felons. The bill would outlaw a large majority of sporting ammunition historically and currently used today. This bill makes it a class B felony to own, store, purchase, sell, distribute, manufacture, or customproduce "armor-piercing" ammunition. The bill never addresses "Armor Plating" or "Ballistic Vests" levels of protection. The National Institute of Justice has established rating standards for various levels of protection from common used firearms ammunition in regards to "Body Armor". Federal law, with minor exceptions, bans the manufacture, importation, sale, and delivery of handgun armor piercing ammunition made of certain metal alloys. Violation carries a fine of up to \$5,000, imprisonment for up to five years, or both. It should be noted, that law enforcement of this state did not ask for this bill, nor did they testify in favor of it, though several were present during the hearing. Vote 20-0.

**HB 498-FN**, requiring fish and game officers to obtain a warrant to conduct a search and seizure. INEXPEDIENT TO LEGISLATE. Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill would have required conservation officers to obtain a search warrant for conducting any search regarding their official duties. The committee heard testimony from the citizens that work in the professions that would be affected by this legislation, and they were overwhelmingly opposed to it. It was their consensus that this would be detrimental to their productivity because they will be waiting for the warrant to be issued. Additionally, having the presence of a conservation officer in the field or on the water, generally improves the overall atmosphere and deters offensive behavior from citizens while fishing and hunting. The sponsor believes that their ability to search without a warrant while in the field conducting investigations related to fish and game law violations carries over to their newer ability to enforce motor vehicle law violations. The plain reading of the law indicated that they have "the same" powers as other law enforcement in that space. Other

law enforcement is required to obtain a warrant under most circumstances and so are they. Their ability to search without one, is strictly limited to fish and game law violations in the field and if they were to attempt to apply it to a motor vehicle search on the road for non-fish and game related issues, the court would suppress it and any evidence obtained by it as the product of an improper search. The idea that the legislature somehow created "super police" by granting them the ability to enforce motor vehicle laws while they are on the roadways of the state, is not supported by the language of the law, the Supreme Court precedent or the testimony heard during the public hearing. Vote 19-1.

**HB 545-FN**, amending the victims' bill of rights. **INEXPEDIENT TO LEGISLATE**. Rep. Jennifer Rhodes for Criminal Justice and Public Safety. On the surface this bill might appear to strengthen the victims' bill of rights; it in fact does the exact opposite. The committee heard strong testimony from the New Hampshire Domestic Violence and Sexual Abuse Coalition and law enforcement that if enacted, this legislation could provide an incentive for abusers to further intimidate their victims by coercing them to remove no contact orders between them and the accused, to withdraw or reduce restitution paid to them, and to request misdemeanor charges against their abusers be dismissed. It would also create an opportunity for an abuser to offer to pay a victim to drop the charges against them. The victims' bill of rights was carefully written by this legislature with input from all stakeholders, to ensure certain systems and protections are in place in order to hold abusers accountable. Changes should only be contemplated after a careful evidenced based review demonstrates that change is necessary. The committee heard no such evidence. Victims should never bear responsibility for enforcement of the law or court orders related to the crimes committed against them. Vote 20-0

## **ELECTION LAW**

**HB 453-FN-A**, relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding. **INEXPEDIENT TO LEGISLATE**. Rep. Steven Smith for Election Law. This bill would have prevented the folding of ballots to reduce machine counting errors. Subsequent investigation found that there are other ways to avoid the errors which do not require legislation. Vote 18-2. 17 FEBRUARY 2023 HOUSE RECORD 5 EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 525-FN-LOCAL**, relative to group II service retirement provisions in the retirement system. **INEXPEDIENT TO LEGISLATE**. Rep. Carol McGuire for Executive Departments and Administration. This bill changes the retirement calculations for group II, police and fire personnel, who were in service but not vested in 2011. This is the same matter as HB 436. The committee plans to address the issues of HB 525 in HB 436. Vote 13-0.

**HB 579-FN-LOCAL**, eliminating the 2011 transition provision requirements for group II retirement. **INEXPEDIENT TO LEGISLATE**. Rep. Carol McGuire for Executive Departments and Administration. This bill changes the retirement calculations for group II, police and fire personnel, who were in service but not vested in 2011. This is the same matter as HB 436. The committee plans to address the issues of HB 579 in HB 436. Vote 12-0.

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

**HB 66**, establishing a commission to study non-pharmacological treatment options for patients with chronic pain. **OUGHT TO PASS WITH AMENDMENT**. Rep. David Nagel for Health, Human Services and Elderly Affairs. It is recognized by the committee that improved access to a variety of alternative therapies for pain management is currently lacking and necessary in New Hampshire. This is caused by a variety of barriers. In order to remedy this situation and provide greater access to care, the committee recognizes that it is in the interest of the state and its citizens to bring a variety of stakeholders together through committee for the purpose of creating and recommending strategies, statutory or otherwise. Vote 20-0.

**HB 188**, relative to the duration of physical therapy. **OUGHT TO PASS** Rep. David Nagel for Health, Human Services and Elderly Affairs. It is the belief of the committee, based on review of testimony and review of current educational requirements, that physical therapists have the knowledge base to understand at one point in time to refer a patient to an appropriate health care provider and a mandated statutory timeframe is no longer necessary. Vote 20-0.

**HB 223**, relative to prescription refills. **OUGHT TO PASS**. Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The committee finds that increasing the state limitation of 34-day supply to a 90-day supply does not violate Federal law, and that topically-applied testosterone medications have minimal potential for abuse. Requiring the prescriber to specify the medication is being used for the treatment of chronic low testosterone replacement therapy notifies the pharmacist of the reason for the prescription assist in their compliance with the corresponding responsibility requirement of the Drug Enforcement Agency (DEA). Vote 20-0.

**HB 262**, relative to laboratory testing by licensed naturopaths **OUGHT TO PASS**. Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill adds licensed naturopathic doctors (ND) to RSA 151:12-c, Laboratory Testing Without a Licensed Medical Practitioner's Order. With the passage of HB 381 last year, patients can order their own lab tests and bring results to a medical doctor, a doctor of osteopathy, a physician's assistant, or an advanced practice registered nurse for interpretation. HB 262 adds licensed naturopathic doctors to the statute, making a simple, technical change which clarifies that naturopathic doctors may interpret patient-ordered labs if they so choose, but are not mandated to do so. Naturopathic doctors have had the authority to order and interpret labs for patients for 30 years, and this bill corrects the inadvertent omission of NDs in the RSA. Vote 20-0.

**HB 325**, relative to the controlled drug prescription health and safety program advisory council members. **OUGHT TO PASS WITH AMENDMENT**. Rep. Gary Merchant for Health, Human Serv Services and Elderly Affairs. The prescription health and safety program advisory council fills an important and essential role. The council is composed of representatives from various stakeholder

communities that include physicians, dentists, pharmacists, nurse practitioners, law enforcement, multiple state agencies including the attorney general office, veterinarians, legislators, and licensing boards. At times it may take longer than expected to find an individual willing to volunteer to serve on the council. In the event a replacement cannot easily be found at the end of a term, this bill simply allows an extra six months to find a replacement. Vote 19-1.

**HB 397**, relative to the prohibition of the possession of hypodermic needles by minors. OUGHT TO PASS WITH AMENDMENT. Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill as amended will remove the threat of punishment if a parent asks a child to hold their bag which may include diabetic supplies or to hand them supplies when their hands are full, such as when they are nursing a child. The bill as amended specifically states that misuse of the hypodermic needle or syringe is not permitted by this change. Vote 20-0.

**HB 500**, relative to prescribing opioids via telehealth medicine. OUGHT TO PASS WITH AMENDMENT. Rep. James Murphy for Health, Human Services and Elderly Affairs. The committee heard from providers that telehealth has benefited patients currently allowed under the federal emergency order. The current federal emergency order allows providers to prescribe non-opioid and opioid controlled medications using telehealth, that is, superseding state restrictions. Patient satisfaction is equal to or better than in-person visits. However, when the federal emergency order ceases on May 11, 2023, providers will no longer be allowed to utilize telehealth for this reason. The committee finds that this bill supports continued use of telehealth for prescribing by providers of controlled medications within the state of New Hampshire, and it allows patients a more efficient use of time. This bill will provide significant benefits to patients in palliative care, to adolescents with Attention Disorder Hyperactive Disorder (ADHD), and to post-op surgical patients. There are safeguards in place to prevent abuse including compliance with Federal Drug Enforcement Agency (DEA) regulations, a robust Prescription Drug Monitoring Program (PDMP), medical ethics, and state licensing boards. Vote 20-0.

**HB 598-FN**, relative to funding maternal mortality reviews. INEXPEDIENT TO LEGISLATE. Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The committee finds the bill to increase funding of the maternal mortality review committee is well-intended. The committee heard testimony from entities that operate domestic and sexual violence prevention programs about the importance of having a stable and reliable funding mechanism. The committee finds that redirecting monies from the domestic violence fund to the maternal mortality review committee fund is not the answer to increasing monies for the maternal mortality review committee fund. Vote 20-0.

**HB 610-FN**, expanding the definition of providers who can certify patients of the therapeutic cannabis program. OUGHT TO PASS WITH AMENDMENT. Rep. Gerri Cannon for Health, Human Services and Elderly Affairs. The bill expands the definition of provider under the therapeutic cannabis program to include any individual licensed in New Hampshire to prescribe drugs to humans who holds an active registration from the United States Drug Enforcement Administration (DEA) for prescription of controlled substances. The bill also requires, for issuance of a registry identification card to a minor, certification from two providers, one of whom provides pediatric care. Vote 20-0.

**HB 611-FN**, relative to eligibility criteria for the therapeutic cannabis program. OUGHT TO PASS. Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill removes barriers of access for therapeutic cannabis for severe pain. Currently a patient in severe pain must exhaust all other options before obtaining written certification for therapeutic cannabis, and this is interpreted to include things as permanent and potentially futile as spinal fusion. Medicine is highly individualized, and there must be significant evidence to support the state dictating the order of treatment. Evidence to support the use of cannabis for severe pain has greatly increased since this program began, and now is the time to update this statute. Vote 20-0.

## JUDICIARY

**HB 235**, establishing a commission to study the expansion of the landlord tenant mediation program in circuit courts. OUGHT TO PASS WITH AMENDMENT. Rep. Charlotte DiLorenzo for Judiciary. As amended, this bill would create a legislative study committee to discuss and make recommendations for legislation to expand and place into statute the landlord tenant mediation pilot program that has been ongoing in selected circuit court divisions. The pilot mediation program was developed by the circuit court system to help landlords and tenants work through issues to avoid an eviction. Mediation is not mandatory, and both the landlord and tenant must agree to mediation. The pilot program has been a great success and has kept nearly 80% of tenants facing eviction in their homes, and it benefitted landlords because they were paid back the rent owed with direct checks to the landlord from tenants and various funding programs including donations from charitable organizations, payments from city, town and state welfare programs and federal Emergency Rental Assistance Program funds. The study commission would provide the General Court and all relevant stakeholders with an appropriate venue to analyze the program and assess what has and has not worked and recommend changes going forward. The mediation approach is conciliatory rather than punitive and could lead to preservation of tenancy and prevent homelessness. The amendment changed the study format from a study commission to a legislative study committee in keeping with the House's desire to reduce the number of commissions. Vote 18-1.

**HB 343**, relative to release of confidential records of a person appointed a guardian. OUGHT TO PASS WITH AMENDMENT. Rep. Katelyn Kuttub for Judiciary. This bill, as amended, will ensure a person who is appointed a guardian shall retain the right to access their medical and other confidential records, unless the court specifically finds it would not be in the ward's best interests to do so. Records are often needed for the ward to demonstrate that s/he no longer requires a guardianship or a conservatorship. But under current law, the guardian can frustrate the ward's ability to be relieved from the restrictions of the guardianship by denying or slow-

walking the ward's access to the very information needed to show that the guardianship is no longer necessary. The committee believes this bill empowers people to have as much control over their own lives as possible. Vote 19-0.

## **MUNICIPAL AND COUNTY GOVERNMENT**

**HB 99-FN-LOCAL**, requiring tax bills to provide information about a state tax rebate program for lower income homeowners. **INEXPEDIENT TO LEGISLATE**. Rep. Susan Treleven for Municipal and County Government. While the bill is well-intentioned, it will result in more paperwork and more personnel hours in cities and towns in order to fulfill its requirements. It will also make tax bills more expensive to produce and mail to homeowners, thus constituting an unfunded mandate. This bill also requires the identification of "lower income homeowners," which could be problematic and assumes that town or city officials have knowledge about individuals' financial situations. In addition, the bill does not define "lower income," leaving the decision on income status to town or city officials who may not be familiar with these exemptions. Vote 20-0.

**HB 203**, relative to publication of annual county budgets. **OUGHT TO PASS WITH AMENDMENT**. Rep. Richard Lascelles for Municipal and County Government. This bill, as amended clarifies and streamlines the method by which the county commissioners in Hillsborough and Rockingham counties deliver, to all responsible parties, their recommendations of the sums necessary to be raised by their respective county and how those funds are to be spent. The document shall also contain a statement of actual income and expenditures of the preceding fiscal year. Vote 19-0.

**HB 237**, relative to the date of asset evaluation for purposes of determining eligibility for certain property tax exemptions. **OUGHT TO PASS**. Rep. Diane Pauer for Municipal and County Government. This bill establishes the date of December 31st, in the calendar year preceding April 1st, as the date for asset evaluation for the purpose of determining eligibility for property tax exemptions for Disabled (RSA 72:37-b), Deaf or Severely Hearing-Impaired Person (RSA 72:38-b), and Elderly (RSA 72:39-a). Under current statute, a property owner may be eligible for these property tax exemptions based on their income and assets. The application window begins on January 1st and extends to the statutory filing deadline of April 15th of the same year. For the purpose of evaluating an applicant's income, the statute clearly defines the time frame as the prior calendar year. However, for the purpose of evaluating an applicant's level of assets, the time frame is at the date of application. Current law allows a 104-day window to evaluate assets, resulting in unequal treatment of applicants both within a municipality as well as across the state. By specifying a fixed date, this simple change ensures that every applicant within each community and across the state has their resulting in unequal treatment of applicants both within a municipality as well as across the state. By specifying a fixed date, this simple change ensures that every applicant within each community and across the state has their assets evaluated on the same date, bringing consistency and fairness in administration of the tax exemptions. Vote 20-0.

**HB 273**, requiring composting and waste recycling to be made available to residents of public housing. **INEXPEDIENT TO LEGISLATE**. Rep. Diane Pauer for Municipal and County Government. This bill requires every municipality in the state to provide residents of public housing administered by a public housing authority, to have onsite access to "appropriate" composting and recycling receptacles or bins. This bill is a reintroduction of 2022 HB 1172 which was referred to Interim Study and subsequently not recommended for future legislation by a vote of 10-7. This bill presents the same issues that the committee had identified in the original bill. First, the committee believes the requirements of the bill necessitates raising and expending tax dollars by a municipality, constituting an unfunded state mandate on municipalities in violation of the New Hampshire Constitution, Part 1, Article 28:a. Second, it is unclear as to what constitutes "appropriate" containers for composting and recycling. Third, the health and safety of the residents may be at risk from pests and vermin attracted by the nearby onsite composting. Similar health and safety risks may occur with recycling receptacles if not serviced frequently, adding additional costs. Fourth, not all municipal transfer stations and landfills are equipped to manage composting and recycling required by this bill. Vote 20-0.

**HB 293-A-LOCAL**, allowing a town to appropriate funds to create a town scholarship fund. **INEXPEDIENT TO LEGISLATE**. Rep. Diane Pauer for Municipal and County Government. This bill amends Powers and Duties of Towns; Trust Funds (RSA 31:19-a) to include the creation of a scholarship trust fund exclusively for town residents. Establishment of a scholarship trust fund by a municipality for select residents is not an essential function of government; and as such, it neither serves nor benefits the community as a whole. Furthermore, the committee believes that raising funds for the purpose of awarding scholarships to select residents is not a prudent use of taxpayer dollars. Private non-profit and charitable organizations, which rely upon private donations and fundraisers rather than taxation, are well suited to award scholarships as part of their independent missions. Lastly, the bill did not address the criterion as to how the scholarship trust fund would select recipients. Vote 20-0.

**HB 483-FN**, to remove the duties of county delegations and delegate them to county commissioners. **INEXPEDIENT TO LEGISLATE**. Rep. Tim Cahill for Municipal and County Government. This bill would require the county delegations to give up their power to the county commissioners. This eliminates the legislative branch and we believe is repugnant to the New Hampshire Constitution Part 1, Bill of Rights, Article 37. The legislative branch is an integral part of our form of government and ensures oversight over the other branches. Vote 20-0.

## **RESOURCES, RECREATION AND DEVELOPMENT**

**HB 214**, relative to limitations on the designation of a portion of the Merrimack river. **OUGHT TO PASS**. Rep. Jessica LaMontagne for Resources, Recreation and Development. This bill removes antiquated language in RSA 483:15, II regarding the authorization for complete capacity utilization of the Merrimack River. The original designation under this RSA was enacted in 1990. While intended



to protect against excess water withdrawals, this section had language that, in effect, hampered the ability of municipalities to respond to water quality issues. The amended legislation gives Department of Environmental Services and municipalities more flexibility and regionalization in their approach to water flow and quality issues of the Merrimack River. Vote 20-0.

**HB 247-FN**, relative to protective well radii. OUGHT TO PASS. Rep. Juliet Harvey-Bolia for Resources, Recreation and Development. This housekeeping bill removes encroachment waivers, requires a setback reduction form, and removes specific requirements for amended septic system plans. This bill clears up confusing language about property rights and eliminates redundant paperwork. It streamlines the reporting process regarding protective radii around private wells where the radius extends onto an adjacent lot. It would eliminate the provision for an encroachment waiver which is redundant for deeded easements and rarely used. This bill will add more flexibility regarding monitoring requirements, clarifying ambiguous sections of the statute. The Resources, Recreation and Development Committee strongly recommends the passage of this bill. Vote 20-0.

**HB 488-FN**, relative to state park campground reservations for New Hampshire residents. INEXPEDIENT TO LEGISLATE. Rep. Suzanne Vail for Resources, Recreation and Development. This bill would give NH residents a two-day advantage, over of out-of-state campers, at the commencement of campground reservations for the NH Park System, each year. The committee discovered that this would not apply to state parks that have features, such as handicapped access, wherever said feature had been paid for by funding from the federal government. The bill sponsor supported the committee recommendation. Vote 20-0.

**HB 592-FN**, relative to buffers around wetlands. INEXPEDIENT TO LEGISLATE. Rep. Dan Wolf for Resources, Recreation and Development. This bill looks to limit the ability of municipalities to regulate certain projects occurring more than 50 feet from wetlands. Wetlands are statutorily defined as "an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions." This definition is found in RSA 482-A, which establishes state regulatory jurisdiction and processes related to wetlands impacts. These wetlands may be surrounded by locally established buffer zones consisting of usable uplands. Development is restricted by municipalities by use of these buffer zones to protect the adjacent wetlands. Thus, while the wetlands are regulated by the New Hampshire Department of Environmental Services (NHDES), the buffer zones are established and regulated by municipalities via local control statutes. NHDES testified that the subject matter of this bill should be considered in a statute that deals with the subject of locally controlled buffers, such as Title LXIV: Planning and Zoning. The committee also heard opposition from the Audubon Society, the New Hampshire Association of Conservation Commissions, and others. Vote 19-0.

#### **STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HB 269-FN**, relative to limiting the authority of New Hampshire delegates to policymaking conventions. OUGHT TO PASS WITH AMENDMENT. Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. This was one of two bills establishing rules for all delegates to any Article V Convention of States. This bill outlines the process for the election of delegates for such conventions. The amendment ensured that it would not conflict with existing RSA or with HB 392 concerning the delegate selection process. This bill creates a structure to replace any unfaithful delegate who deviates from addressing the specific constitutional issues designated by the people of New Hampshire. The committee believes this bill bolsters confidence in the Convention of States process and addresses fears regarding a "runaway convention." Vote 18-0.

**HB 392-FN**, relative to constitutional convention procedures for delegates. OUGHT TO PASS WITH AMENDMENT. Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. In order to alleviate certain concerns about an Article V Convention of States, the committee recommended Ought to Pass on two bills to ensure rules were established for the convention delegate process. Like HB 269, HB 392 also supports a structure to replace any unfaithful delegate who deviates from addressing specific constitutional issues designated by the people of New Hampshire. This bill ensures that delegates sent on behalf of New Hampshire adhere to the subject that they were selected to address. Having such safeguards is beneficial and desirable, and with the amendment, this bill puts reasonable penalties in place for a delegate knowingly or purposefully deviating from their assigned role. Vote 16-0.

**HR 7**, calling for the federal government to preserve and protect Medicare and Social Security without cuts to benefits. OUGHT TO PASS. Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. While some committee members feel the Social Security and Medicare Programs need review and that proposed improvements deserve thoughtful consideration, the committee was unanimous in seeking to approve this measure which states that these important programs deserve continued support. Vote 18-0.

**HCR 7**, recognizing the Nulhegan Band of the Coosuk Abenaki Nation. INEXPEDIENT TO LEGISLATE. Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. After hearing heated testimony from both sides on this issue, the committee concluded that passing this resolution would be detrimental to overall tribal relations. An apt analogy regarding this situation involves picking favorites in a family dispute. While nothing in the resolution precluded other tribes from submitting similar measures, HCR 7 would establish a new precedent involving a House committee choosing to recognize certain bands. Several committee members agreed that a recognition process for native tribes within New Hampshire should be considered and studied, but this resolution did not do that, as it was specific to only one band. Vote 18-0.

**HR 16**, relative to the Internal Revenue Service. INEXPEDIENT TO LEGISLATE. Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. This measure sought to make a case that certain Internal Revenue Service (IRS) practices were extralegal, but the committee believes that the 16th Amendment to the Constitution and other law codes clearly permit the IRS, Congress, the states, and other taxing entities to legitimately impose the levies to which they subject taxpayers. Vote 16-1.

## **WAYS AND MEANS**

**HB 288-FN**, relative to taxation of sole proprietorship businesses. INEXPEDIENT TO LEGISLATE. Rep. Sallie Fellows for Ways and Means. This bill would exempt a proprietorship (a single owner business) or a single person Limited Liability Company (LLC) from both the Business Profits Tax and Business Enterprise Tax. Some people own many separate LLCs. The Department of Revenue Administration estimated this would reduce state revenue by about \$36 million annually. They also noted that treating some businesses differently simply because they have a single person owner could be unconstitutional and recommended consulting the Department of Justice before proceeding. Vote 20-0.

**HB 568-FN**, relative to assessing all state adequate education and local education costs through the state education warrant. INEXPEDIENT TO LEGISLATE. Rep. John Janigian for Ways and Means. The prime sponsor has notified the committee that he no longer supports the bill he filed and would like the bill vacated. Since it is too late to vacate the bill, the committee has found the bill Inexpedient to Legislate. Vote 17-0.

## **REGULAR CALENDAR**

### **CHILDREN AND FAMILY LAW**

**HB 108**, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Rep. Mark Pearson for the Majority of Children and Family Law. Nearly every state has laws which penalize individuals who knowingly make false statements of suspected child abuse to the relevant department, courts, law enforcement agency or social service agency. This bill seeks to add New Hampshire to the list. Those who sincerely make a good faith report that proves erroneous are protected. Vote 9-7. Rep. David Bickford for the Minority of Children and Family Law. For many years, the legislature has been apprehensive about having those suspected of making false reports to the Division of Child, Youth, and Families. This bill allows those suspected of false reporting to be prosecuted with criminal charges. The legislature in the past has felt this would have a chilling effect and deter people from reporting. **OTP 214-143**

**HB 124**, relative to temporary alimony. OUGHT TO PASS. Rep. Debra DeSimone for Children and Family Law. The majority of the committee felt that this bill would assist judges in making decisions regarding temporary alimony until a final order could be handed down. Vote 8-7. **OTP 178-179 failed**

**HB 151**, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE. Rep. Patrick Long for the Majority of Children and Family Law. The committee finds that, based RSA 457:39 on cohabitation and due to testimony heard of undue harm created by not addressing this issue, a study committee would be justified. Vote 10-5. Rep. David Bickford for the Minority of Children and Family Law. The minority is concerned this brings no reasons for a study committee. It aimlessly wants to study the various ways people choose to live together. **OTP 199-155**

### **COMMERCE AND CONSUMER AFFAIRS**

**HB 459-FN**, relative to transactions exempt from the regulation of business practices for consumer protection. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Rep. Keith Ammon for the Majority of Commerce and Consumer Affairs. This bill would remove existing exemptions for already highly regulated industries from the state's Consumer Protection Act. The majority of the committee felt this would muddle existing, well-structured regulatory control. It could also have the unintended consequences of increasing insurance premiums for consumers, adding unnecessary layers of oversight, imposing a duplicate layer of regulation, and could result in unnecessary litigation and even fraud. The majority of the committee believes that the current regulatory system, including the Insurance Department, Banking Department, Attorney General's Office, and other agencies, are doing an adequate job of protecting consumers and regulating the respective industries they oversee. This bill has been proposed before and again has been deemed a bad idea for the state. Vote 19-1. Rep. Merryl Gibbs for the Minority of Commerce and Consumer Affairs. This bill amends the Consumer Protection Act (CPA), RSA 358-A to remove the exemption for unlawful acts subject to the jurisdiction of other government entities. This bill thus maintains protection and a right of private action for persons harmed by unlawful acts, when other government entities with jurisdiction do not proceed under their own authority.

**HB 531-FN**, relative to the taxation of tobacco and nicotine products. INEXPEDIENT TO LEGISLATE. Rep. Jane Beaulieu for Commerce and Consumer Affairs. This bill directs the Commissioner of the Department of Revenue Administration to annually set the tobacco and nicotine tax based on the rates charged by neighboring states. Testimony provided by small retail outlets selling these products indicated substantial losses in revenue if the taxes mirrored neighboring states, and fewer sales means less tax revenue for the State of NH. Vote 15-5. **ITL VV AYE**

**HB 639-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Rep. John Hunt for the Majority of Commerce and Consumer Affairs.

This bill legalizes the possession and use of cannabis for persons 21 years of age and older. As introduced, the bill would have created a Marijuana Commission and an advisory board with marijuana-interested parties. As amended, the bill now authorizes the liquor commission to regulate and administer the cultivation, manufacture, and retail sale of cannabis statewide, and makes an appropriation therefor. The bill maintains the Alternative Treatment Centers (ATC's) currently registered to dispense therapeutic cannabis as a separate entity to manufacture, cultivate, or transport cannabis to their NH Health and Human Services-regulated retail locations. The bill allows them to also deliver to the new retail locations and potentially have the Liquor Commission take over for Health and Human Services in future regulation of the ATC's. This legislation authorizes a municipality to enact an ordinance prohibiting or limiting the number and type of cannabis establishments that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment permitted within the municipality. This bill also establishes the Cannabis Control Fund just like the Liquor Fund, which requires funds to be distributed to the Department of Health and Human Services Bureau of Drug and Alcohol Services. The majority of the funds will be for education tax relief, but some of the funds will go to public safety agency training purposes and children's behavioral health services. Funds will also be used for an appropriation to the Department of Health and Human Services to create public media and social media campaigns to address some of the risks of cannabis use. The Commerce Committee amendment eliminates the "Advisory Board" and vests oversight fully in the NH Liquor Commission. The "Advisory Board" was deemed duplicative as the NH Liquor Commission has adequate experience and skill and the general competencies to safely administer public safety interests under this bill and creating a new commission would be redundant and unnecessary. In keeping with NH traditions of local control and free markets, this bill does not impose top down limits, such as picking winners and losers on retail outlets or manufacturing facilities but allows significant local input in the permitting and licensing of facilities within municipalities. Taxation in this bill is limited to a tax of 15% strictly at the cultivation level. There is no retail taxation with this bill. Taxing by wholesale value rather than weight, like other states, allows the Commission to audit and ensure compliance – similar to taxation for liquor and beer. Currently, because of lack of federal laws, all cannabis sold in NH will be grown in NH. The benefit of this legislation is to ensure the safety of cannabis in New Hampshire without forcing New Hampshire citizens to travel to our neighboring states and to create the opportunity for new business to be created in New Hampshire who will pay Business Profit Tax. Vote 17-3. Rep. Lilli Walsh for the Minority of Commerce and Consumer Affairs. The committee heard testimony from State Representatives, NH law enforcement, and students to the effect that there are innumerable negative factors relating to the legalization of cannabis. This bill would go against federal law and has the potential of creating red flag laws for gun owners. The US 1986 Gun Control Act prohibits any "unlawful" user of a controlled substance (i.e. cannabis) from purchasing or owning a gun. For law enforcement purposes, there is no accepted roadside test or level of THC in the blood to determine impairment. NH law enforcement testified they are not prepared or equipped to handle increased cannabis related collisions and fatalities. Newly released data shows that 2022 was the worst year for overdose deaths in New Hampshire since 2017. Critically, legalization will send the absolute wrong message to our teens, where in our NH schools we heard cannabis use is already a huge problem. Every state that has legalized cannabis has "bought" coveted tax receipts at the tragic "cost" of ever growing personal and social ramifications. Recent evidence from California reveals that the black market is unaffected by legalization. The deleterious consequences and toll on human lives far outweigh the purported benefits of legalization. **OTPA 234-127**

#### **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 504-FN**, relative to the adult parole board and making an appropriation therefor. OUGHT TO PASS. Rep. Karen Reid for Criminal Justice and Public Safety. This bill allows for the appointment of a previous adult board member to sit on the board, amends the stipend for the vice chairperson of the adult parole board, and makes an appropriation to the board. The bill allows the board the flexibility to utilize former members to fill in as needed for occasions when they would otherwise not be able to conduct business due to a lack of a quorum. Given the difficulty in attracting and retaining members to the board with the specialized skill set and experience required, the proposed increase in the stipends is justified. Vote 20-0. **OTP VV AYE**

**HB 97-FN**, establishing an additional penalty for a violation of privacy. OUGHT TO PASS. Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill will establish an additional penalty for a violation of privacy. This legislation is a bipartisan effort of state representatives and senators to address inconsistencies in the law when it comes to adequately protecting individuals against sexual exploitation, especially when it comes to repeat offenses. Vote 19-0.

**HB 160**, relative to public display of chest. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Rep. Jennifer Rhodes for the Majority of Criminal Justice and Public Safety. The bill is requesting the state to interfere in regulating municipal ordinances. We believe there could be unintended consequences of such a bill. The sponsor took his grievance to the local court and then to the supreme court, in which each ruled against him. We believe every town and city is unique, and they create ordinances based on the make-up and the wishes of the local people. Vote 14-6. Rep. Jason Janvrin for the Minority of Criminal Justice and Public Safety. NH is a Dillon rule state. Subdivisions of the state are barred from doing anything not authorized by the General Court by statute or by the NH Constitution. Public display of the chest is not a violation of state law and the General Court has not authorized subdivisions of the state to regulate it. What is lawful conduct in Hampton beach, Conway, or Keene should also be lawful conduct in Laconia. The minority of the committee recommends this bill Ought to Pass to prohibit regulation of this conduct by subdivisions of the state. **ITL 223-129**

**HB 191**, relative to voluntarily surrendered firearms. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Rep. Jonathan Stone for the Majority of Criminal Justice and Public Safety. This bill, if passed, would add an additional burden on state

agencies including the state police and Judicial Branch. Currently there are many viable options for individuals to dispose of unwanted firearms in compliance with state and federal law. A gunsmith can make the weapon permanently inoperable, if it is the wish of the owner to do so. It can also be donated to law enforcement to sell or use. The state police testified there would be increased costs if this bill were to pass. Law Enforcement did not request this bill and the state police took no position on it. The Federal Bureau of Alcohol, Tobacco, Firearms & Explosives is currently a known agency that can assist with a final disposition of a firearm. Additionally, according to the testimony of the state police, it is possible that a firearm used in an unreported crime could be "surrendered" and "destroyed" without the state police knowing it has evidentiary value. Vote 16-4. Rep. David Meuse for the Minority of Criminal Justice and Public Safety. The minority believes there is no harm in providing the State Police with the option to conduct a "surrender and destroy" program for firearms. There are people who own guns or who may have inherited guns who would rather have them destroyed than keep them. Programs like this are operated by a number of states and municipalities as a convenience to gun owners. Companies such as Gunbusters provide destruction services to law enforcement agencies at no charge. We also heard testimony that State Police are already incurring an expense for accepting weapons for disposal and resale. As for the fear that a criminal might turn in a gun used in a crime for destruction, you might want to ponder why any criminal would want to risk an unnecessary encounter with police. **ITL 237-121**

**HB 201-FN**, relative to changing the penalties for driving without a license. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill will change the penalties for driving without a license to a violation, unless the individual is convicted for a second time in a 12-Month period. This bill was requested to reverse a change made in 2015. It will revert a first offense of driving without a valid license from a class B misdemeanor to a violation unless an individual is convicted a second time within a 12-month period. The current higher offense has the unintended consequence of disproportionately affecting single parents, people who are economically challenged, and persons who may be new immigrants or visa holders who are still learning our laws. An example of the enhanced nature of a misdemeanor would also require job applicants to "check the box" indicating a criminal charge, thus potentially preventing them from being employed. Changing this penalty back to a violation for a first offense would help alleviate the overloaded court system for a relatively minor offense and would not have an impact on subsequent offenses within a 12-month period. Rep. Loren Selig Statement in support of Inexpedient to Legislate: After hearing testimony from the several Representatives in support of this bill, as well as from the State Police, half of the committee found the bill should be found Inexpedient to Legislate. We believe that it is a privilege to operate a motor vehicle on a public way in New Hampshire. Operating one is a serious responsibility and even if done correctly, can result in accidents with serious bodily injury or death. The purpose the state issuing an operator's license, is to ensure proficiency in actual driving and a basic understanding of motor vehicle laws and the rules of the road. There is a distinct difference between driving with an expired operator's license, versus driving without ever having obtained a license at all. An expired license is still proof that the holder was tested and proved themselves competent to drive. Unlicensed operators have no such proof. Unlicensed operators also potentially put others at risk by leaving them without insurance coverage in the event of a motor vehicle accident, as many insurers will not provide coverage for unlicensed operators. Testimony revealed an apparent lack of understanding by sponsors and some committee members with regard to the penalties for unlicensed operation. Some seemed to believe that a first offense for unlicensed operation was a felony or carried potential jail time. In reality, it is a class B misdemeanor with no potential jail time and a fine of up to \$1,200. A violation, which the sponsors advocate the penalty should be, is not a crime at all, but one can still be arrested and fined up to \$1,000. This bill, if passed, would be a step backwards for public safety by taking away from the seriousness of the offense and with it, the incentive to follow the law. Passing this bill would make the streets of New Hampshire less safe for everyone. Rep. Jonathan Stone **OTP 190-165**

**HB 581-FN**, repealing the controlled drug act and establishing a committee to study the policy and statutory changes necessary to implement the repeal. **INEXPEDIENT TO LEGISLATE**. Rep. Karen Reid for Criminal Justice and Public Safety. The controlled drug act was established in 1970 and with amendments has served as an important guide to both health care providers and law enforcement. The current opioid crisis is evidence of why some substances must be controlled in order for a free society to function safely. Even though illegal and with the risk of arrest and incarceration, thousands of people have overdosed and died. The majority believes that the number of deaths would be far greater were there no mechanism at all to interdict the availability of these substances. The majority believes that drug use rarely ever only effects just the users, be it someone killed in an automobile accident because of impaired operation or simply the cost of public resources required to provide care for those who overdose or lose their jobs and cannot sustain themselves and their families. At the time of the drafting of the U.S. and New Hampshire Constitutions the framers were well aware of substances such as opium, alcohol, and marijuana, yet saw no reason to specifically prohibit the government from controlling their use and availability as it did with arms, nor has society since supported such an amendment. Vote 17-3. **ITL 286-70**

**HB 643-FN-A**, relative to legalizing marijuana. **INEXPEDIENT TO LEGISLATE**. Rep. Kevin Pratt for Criminal Justice and Public Safety. The committee, after hearing testimony from the sponsor, supporters, and members of law enforcement, found this bill Inexpedient to Legislate. The committee believed that whether for or against marijuana legalization, this bill is not the best vehicle to accomplish this. Some members of the committee oppose legalization entirely and other support it but in a different form than put forward in this bill. This bill would legalize marijuana possession for anyone over 21 and put the state liquor commission in charge of selling it.

The committee felt this was too complicated and some objected to the state holding a monopoly on the production and sale. Vote 16-4.

## **EDUCATION**

**HB 272-FN**, increasing chartered public school per pupil funding. OUGHT TO PASS WITH AMENDMENT. Rep. Glenn Cordelli for Education. Chartered schools have not had a funding increase for five years. There have been nine chartered school closures since 2005 and all related to financial reasons. This bill, as amended, will increase the "additional grant" for chartered schools by approximately \$1,000 per student. Vote 19-1. **348-11**

**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. OUGHT TO PASS WITH AMENDMENT. Rep. Glenn Cordelli for Education. This bill requires the Department of Education to provide a physical copy, on a portable data storage device, or a searchable internet database to the New Hampshire education laws annotated and education department rules to the House and Senate standing Education Committees at the start of each biennium. We are citizen legislators with no office or research assistant who need information based on written law. We need these law books for information that we can explore, examine, and analyze on hand and in committee in a format we have at our desks. Vote 19-1. **OTPA VV AYE**

**HB 529-FN-A-LOCAL**, relative to additional aid grants for schools based on free and reduced price meals and fiscal capacity disparity. OUGHT TO PASS WITH Rep. Rick Ladd for Education. The committee recognizes that many communities do not have the capacity to raise taxes due to below average equalized property valuation, and often, a high percentage of children who are eligible for free or reduced price lunch. In an effort to assist these communities, this bill, as amended, calculates fiscal capacity disparity aid by providing an amount of aid each year of the biennium to municipalities with an equalized valuation per ADMA (average daily membership in attendance) of \$600,000 but less than \$1,600,000. Low valuation communities with \$600,000 or less would receive \$2,000 per pupil. This bill is similar to the formula recommended in the 2018 Education Funding Study Report that included both finance and policy committee members. An accountability plan associated with this bill is required for districts receiving grants of \$50,000 or more. Since communities are forced to rely so heavily on local property taxes, equalized valuation per pupil is a useful measure of a community's relative fiscal capacity to support their schools. Along with the Governor's adequacy funding considerations as presented in the FY24/25 budget summary that phases in targeted aid to municipalities with low property values and low-income families over time, the Education Committee supports policy guiding this bill. The ultimate purpose of this bill, and previous recommendation made by the committee to fund special education differentiated aid through weighted values in HB 540, is to improve educational quality while ensuring that all students, regardless of educational needs or community valuation, shall benefit and have access and opportunity to educational services, criteria and elements defined by the state as an adequate education. Vote 20-0. **OTPA VV AYE**

**HB 35**, requiring student identification cards to include the National Eating Disorders Hotline. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE. Rep. Oliver Ford for the Majority of Education. As amended, this bill shall be called the "Matthew Brown Act." This bill requires student identification cards to include the National Eating Disorders Helpline phone number. As amended, this bill applies only to students in grades 6 through 12. The helpline offers support, resources and treatment options for those struggling with an eating disorder. Helpline volunteers are trained to help the caller find the support and information the individual needs. The helpline is not a substitute for professional help; however, it provides a lifeline for those with this horrible disorder. The group with the most severe eating disorder cases requiring hospitalization is young women, and within the school population, eating disorders has become a tragic reality. It's not uncommon for young athletes to believe, "skinnier is faster." The committee heard testimony from nutritionists and those afflicted by the disorder. As with the suicide prevention number currently placed on the student identification card, the addition of this valuable number will save lives, families, and future generations. Recognizing that the incidence of eating disorders is high and increasing, that early diagnosis improves treatment outcomes, and that addressing individuals with eating disorders requires a particular skillset and careful language by specifically qualified professionals, the Matthew Brown Act will reduce harm and save lives by making a valuable resource readily accessible to our students. Vote 14-6. Rep. Mike Belcher for the Minority of Education. The opinion of the minority reflects a preference to maintain the currently existing general mental health and suicide hotline on student identification cards rather than the addition of condition-specific numbers. Additional numbers placed on the card may cause confusion and open the door to even further additions. Concerns about the limited hours of staffing of the eating-disorder specific line informed this opinion. The highly trained triage capabilities of the generalized line also factored. **REORDERED**

**HB 45**, establishing a committee to study student loan forgiveness in New Hampshire. INEXPEDIENT TO LEGISLATE. Rep. Valerie McDonnell for Education. This bill would require the appointment of three members from each chamber to a new committee studying student loan forgiveness. Nationwide, the average student debt for a 4-year degree is \$28,400 while in the Granite State, student debt is the highest in the country at \$39,950. Forming another committee to resolve or further research the debt issue is not needed, as this task is better suited to the currently-existing Public Higher Education Study Committee that has the responsibility to examine the goals, purposes, organization, and financing of public higher education in New Hampshire. Vote 15-4.

**HB 131**, requiring reports concerning school policies on classroom recordings and in-classroom observers. INEXPEDIENT TO LEGISLATE. Rep. Rick Ladd for Education. This bill requires school districts to report in-classroom observer policies and in-classroom



audio/video streaming and recording policies to the Department of Education. The majority of the committee believe this bill is not needed as school district policies as adopted by each school board are available and open to the public. The NH School Boards Association provides boiler plate policies regarding in-classroom policies; however, it should be noted that local boards do modify this policy in accordance with local needs. For example, some districts request kindergarten parent visitation not occur during the initial days or week. Parents are welcome to attend and observe in classrooms, however, schools request that parents contact the teacher or building principal first. There are a number of associated issues that contribute to in-classroom policies and in-classroom streaming such as: special education confidentiality, privacy of all students, safety, class and building security, and student teaching. Further, all policies have been constructed in accordance with RSA 189:68, III, IV, and V (Student and Teacher Information Protection and Privacy). Lastly, all policies are available upon request through district offices or schools. Vote 15-5. **ITL VV AYE**

**HB 540-FN-LOCAL** relative to adequate education grant amounts for pupils receiving special education services. **OUGHT TO PASS.** Rep. Rick Ladd for Education. Most states recognize that certain student populations require additional funding to meet state achievement expectations or standards. The NH education funding formula provides an additional funding amount beyond base adequacy for students having a special education disability. There are 13 disability categories: autism, deaf-blindness, developmental delay, emotional disturbance, hearing impaired, multiple disabilities, intellectual disability, other health impairments, orthopedic impairments, specific learning disabilities, speech or language impairments, traumatic brain injury and visual impairments. Within the adequacy formula, all disabilities are funded at the same amount; however, it is well understood how the total expenditure to educate a school-aged student with a disability varies depending on the type of disability. This bill uses data provided by the Department of Education to establish three weighted categories for special education differentiated aid. Of NH's total special education population that totals approximately 30,600 students, the category A disability applies to pupils (23,000) receiving special education services for less than 80 percent of the day, category B disability applies to pupils (7,000) receiving special education services for 80% or more of the school day, and category C disability applies to pupils (600) receiving special education services in separate schools, residential facilities or home bound hospital placements. The current funding amount for all pupils (30,600) with an individualized education plan (IEP) is \$2,079.89 per pupil. By applying the weighted formula proposed in this bill, the categories would be funded as follows: A = \$2,079.89 per pupil, B = \$4,729.78 per pupil, and C = \$6,239.67. As with the current funding formula, special education aid, previously identified as catastrophic aid, is not a part of adequacy and is not impacted by the weighted adjustments reflected in this bill. In conclusion, all IEP's and corresponding disabilities are not alike. Some IEP's may require a few hours a week, while others may require full time support with specially qualified support. The Education Committee recognizes the need for the three categorical areas that is in line with data captured in the NH Special Education Information System (NHSEIS) for individual students receiving special education and related services through an IEP. Vote 20-0.

**VV AYE**

**HB 601-FN-LOCAL**, relative to state participation in the Medicaid direct certification program for free and reduced price school meals. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT** Rep. Rick Ladd for the Majority of Education. Medicaid Direct Certification (MDC) provides automatic enrollment in the school meals program for children already receiving Medicaid and whose family's income qualifies them for school meals. Families would no longer need to submit a separate application. MDC will provide critical support to hungry NH students, reduce administrative costs, and limit unpaid meal debt owed local school districts. This would benefit our children, school food administration, and communities. The Department of Health and Human Services (DHHS) and the Department of Education (DOE) worked cooperatively with the Education Committee in agreeing to and developing a process that will allow parents the option of participating in the Medicaid Direct Certification program or indicating their preference to DHHS that no personal or confidential information regarding their participation in the Medicaid Program shall be transmitted to the DOE. Currently, there is a significant participation drop off rate once students enter high school. Collecting school meal forms is burdensome for schools. Many school staff hours are devoted to collecting forms and entering information. As children get older, students begin to discourage or even stop their parents from applying for the free and reduced price meal program, or the students will not return the forms because they do not want to be seen delivering them. MDC removes the requirement for this additional application. States that participate in MDC have greater participation in the school meal program. To date, 39 states are successfully participating in the Medicaid Direct Certification Program. In the first year of the MDC pilot, states saw a 12% increase in children certified for school meals. In the 7 years since Texas initiated MDC, they've seen a 48% increase. Academic achievement and "full stomachs" go hand in hand. Vote 13-7. Rep. Arlene Quaratiello for the Minority of Education. This bill seeks to enter the State of New Hampshire into a new contract and program with the federal government and expands existing federal programs in the state. The purported reason that this bill requires federal assent is that the state is prohibited, by federal authorities, from sharing our own information between agencies without federal approval. However, there has been testimony suggesting New Hampshire may craft our own program that accomplishes these goals with no federal involvement – a path this minority considers far less objectionable. Though the necessity of providing funding for an adequate education is clearly a matter of interest to this committee, so too is our duty to jealously guard our state sovereignty and the due powers of this legislative body unto posterity. It is the opinion of this minority that participation in this program serves to further couple this state government to federal programs such as those administered through the US Department of Agriculture (USDA). These federal programs come with federal mandates that effectively overwrite state law, and the state constitution, in binding both this state and we legislators to requirements ranging from child nutrition to course curriculum. In turn, this body is effectively reduced to liaisons from the federal government to our constituents, as we pervert our roles such that we are incentivized to push these Federal programs onto our

constituents in order to achieve ever greater Federal funding, which, in turn, further binds us. These federal mandates make our attempts to fix New Hampshire education little more than a band-aid on a bullet wound. It is the opinion of this minority that this process must not continue to advance, and, in fact, must begin to be reversed. **OTPA 205-151**

#### **ELECTION LAW**

**HB 196**, establishing a commission to review and make recommendations on campaign finance laws. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass with Amendment: The intent of this bill is to create a bi-partisan study committee to review New Hampshire's campaign finance laws with the aim of promoting the integrity of, and public confidence in, the campaign finance system. Supporters of HB 196 are concerned with the growing influence of dark money in state elections and want to examine the existing campaign finance disclosure requirements in New Hampshire. Legislators have expressed concerns about the difficulty of filing disclosure reports, about confusing or contradictory requirements, and the loopholes in the current statutes. The goal of the study is to examine the cost of campaigning, the effectiveness of New Hampshire's present disclosure laws and enforcement, the constitutional options available to regulate campaign finances, and suggesting legislation to address the issues raised. The study committee was supported by the Secretary of State and was one of the recommendations included in the Report of the Special Committee on Voter Confidence. The committee amendment #2023-0106h replaces the bill and forms a study committee. The original bill formed a commission Rep. Connie Lane Statement in support of Inexpedient to Legislate: This bill would create a committee that would study the campaign finance laws of New Hampshire and make a recommendation to the General Court as to its findings. This is currently the job of the House Election Law Committee and those opposed did not find it prudent to form a new committee but would rather form a subcommittee within Election Law. It is the belief of those opposed that this bill is needless and the offer to form a subcommittee for this purpose was extended during the executive session. Rep. Ross Berry. **TABLED 339-7**

#### **ENVIRONMENT AND AGRICULTURE**

**HB 252** exempting agricultural operations from certain municipal noise ordinances. **OTPA 266-84**

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 250-FN**, relative to the accidental death benefit payable to a group II member. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Matthew Simon for the Majority of Executive Departments and Administration. This bill increases the death benefit for group II members, which includes police officers and firefighters, if they die as a direct result of performing their duties. The present benefit gives 50% of the member's annual salary at the time of death to dependent children until they reach 18 years of age, or to a surviving spouse or dependent parent for as long as they live. This bill increases the benefit to 100% of the member's annual salary at the time of death. There are presently only six people in the State of New Hampshire receiving this benefit. The cost is very low and the majority of the committee feels that increasing the benefit is a reasonable way to honor the sacrifice that these men and women made while protecting NH citizens. Vote 15-5. Rep. Chris True for the Minority of Executive Departments and Administration. This bill down shifts \$1,300,000 to the municipalities. The NH Constitution. Part 1, Article 28-a says the state shall not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way to necessitate additional local expenditures. This bill institutes an expanded program and thus the minority cannot support this bill. **OTP 260-103**

**HB 436-FN-LOCAL**, relative to group II retirement under transition provisions in the retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Matthew Simon for the Majority of Executive Departments and Administration. This bill as amended makes several changes to the New Hampshire Retirement System (NHRS). First, the bill adds the term "vested" to the definitions section of the NHRS statutes. Vested as defined means that a member is qualified for a benefit upon 10 years of service. This has been the functional definition of vested in NH since the beginning of the NHRS, but until now it has not officially appeared in statute. The bill also restricts the state from reducing the calculations of "earnable compensation" and "average final compensation" after an employee has completed three years of creditable NHRS service. The benefit cap is also raised from \$120,000 a year to \$125,000 a year, with an annual adjustment increase of 1.25% each subsequent year to ensure that inflation does not make the benefit cap obsolete. The primary purpose of the bill, however, is to address changes to the NHRS that occurred in 2011. These changes affected the method for calculating retirement benefits for members of group II who had begun service but had not yet reached vested status by 2011. In 2011 the NHRS faced several challenges including under funding, increased mortality tables at the federal level, and significant downturns in the stock market. These challenges prompted the general court to change the methodology by which the NHRS calculated member benefits in order to protect the solvency of the program. Instead of limiting these changes to new hires, group II members who were not vested but had been in service before the calculations were changed saw their benefits changed retroactively. This bill repeals those retroactive changes and reverts members who had commenced service but had not reached vested status by 2011 back to the original benefit calculations that were in statute when they commenced service. To accomplish this, the bill fazes these members back to their original benefits in one-year increments over a ten-year period. This method requires that members work an additional year to obtain these benefits and ensures that group II employers will not experience a massive, year one retirement exodus. This bill also raises the maximum retirement benefit for these members from 85% to 100% of the member's average final compensation. The cost of this program will be terminally funded with appropriations out of the general fund. The actually expense of this bill is not yet known, but the \$25,000,000 a year for ten

years is an overestimate. The costs associated with the bill are expected to be less. Once a final cost has been calculated, the bill can be amended to reflect the actual costs with any excess funds going to pay down the NHRS's unfunded liability. The majority of the committee believes that changing benefits that were encoded in statute may have violated the constitutional mandate to refrain from making retroactive law. We also believe that returning these members back to the calculations that were in statute when they were hired will incentivize these members to postpone their retirements preventing even further workforce shortages. Finally, we believe the bill will produce cost savings in the form of less overtime and training expenses that will offset some of the expenses the bill incurs. **Vote 16-3**

Rep. Matthew Santonastaso for the Minority of Executive Departments and Administration. The first part of Article 10 of the New Hampshire Constitution states that government is instituted for the common benefit, protection, and security of the whole community and not for the private interest or emolument of any one man, family, or class of men. This bill benefits only 1,731 people out of a population of 1.4 million, resulting in a ratio of approximately 0.001. Furthermore, the minority believes it is untrue that people are more likely to enter public service because of a nuanced retirement program change. For those who are already in public service, delaying retirement for a couple of years only defers the town's obligation to recruit additional workers by a year or two. Even if it is true that this change will recruit more public workers, labor shortages are universal in the economy today. It is not inherent that putting additional strain on hiring for the public sector will benefit New Hampshire on net.

**HB 571-FN-A**, relative to the cost of living adjustments for certain group II retirees in the New Hampshire retirement system. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill would establish a cost of living adjustment (COLA) of 5 percent on the first \$50,000 for any retired group 2 member, police, fire, and corrections, of the NH Retirement System or any beneficiary to a group II retiree who has been retired at least 10 years but less than 20 years, and provide a 10 percent COLA on the first \$50,000 for those retired group II members or their beneficiary who has been retired at 20 years as of July 1, 2023. The committee heard that while social security benefits went up 8.7% this year, Group II members unlike Group I members do not pay into social security. And even if the member had paid into social security through a previous employer and earned enough credits to collect, the benefit would be drastically reduced by the IRS windfall elimination provision. The committee also heard testimony that since the inception of the NH Retirement System in 1967 up until 1983 COLAs would be granted by the legislature and funded by the general fund. Then in 1983 the legislature codified the funding of COLAs by establishing the special account. RSA 100-A:16 II (h) stated; "the special account shall be used only to fund or partially fund additional benefits for retired members of the retirement system" and in the early 1990's the legislature made changes to the special account and stipulated; "first, to provide supplemental allowances or COLAs pursuant to RSA 100-A:41-a before any other benefit could be funded from the special account. In 2012 the legislature got rid of the special account, the funding source for future COLAs. In conclusion, knowing that group II retirees do not pay social security, knowing that the legislature in the past had funded retiree COLAs, and knowing that COLAs are necessary to help keep up with the cost of inflation this bill should be voted on as Ought to Pass. Rep. Jeffrey Goley. Statement in support of Inexpedient to Legislate: Passage of this bill would give group II members of the New Hampshire Retirement System (NHRS) a cost-of-living adjustment (COLA) in the form of a supplemental allowance, if they have been retired for at least 10 years. For the purposes of receiving a benefit, group II retirees are split into two groups. The first group consists of members who have been retired for at least ten years but less than 20 years. They would receive a supplemental allowance of 5% of the first \$50,000 of their annual retirement allowance. The second group consists of those who have been retired for over 20 years. The amount of their supplemental allowance would be 10% of the first \$50,000 of their annual retirement allowance. Many on the committee do not believe that a COLA should be applied to direct benefit plan when a COLA has not been specified in that direct benefit plan. The cost of the COLA (\$84,000,000) is prohibitive and an unfair tax burden on other tax payers who also find themselves struggling under the weight of inflation. Furthermore, the average group II retirement benefit is already larger and accessible sooner than comparable programs, such as social security, which are available to other tax payers. Rep. Matthew Simon. **OTP 192-167**

**HB 180**, renaming Columbus Day as Indigenous People's Day. **OUGHT TO PASS WITH AMENDMENT**. Rep. Jaci Grote for Executive Departments and Administration. The original bill changes the name of Columbus Day to Indigenous People's Day. This is not a new bill; no new or convincing testimony helped the committee to change its previous position of inexpedient to legislate. Therefore an amendment was submitted as an attempt to take a first step. The amendment changes the name of Columbus Day to Italian Heritage Day which is actually a definition of what this day represents in today's culture. **Vote 13-7. TABLED VV AYE**

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

**HB 282-FN-A**, relative to including certain children and pregnant women in Medicaid and the children's health insurance program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**. Rep. Joe Schapiro for the Majority of Health, Human Services and Elderly Affairs. This bill will ease Medicaid eligibility requirements for certain groups of "lawfully residing" minor and pregnant immigrants. Taking the federal option provided in the 2009 Children's Health Insurance Plan Reauthorization Act, New Hampshire will join 35 other states and all of our New England neighbors in waiving the current 5 year wait for otherwise Medicaid-eligible children and pregnant women. It will apply to recent Green Card holders, those awaiting a final hearing for asylum, those on Temporary Protected Status (TPS), and victims of domestic violence. It will not apply to undocumented immigrants. Currently, we hear a constant refrain about New Hampshire's aging population and a critical lack of workers to staff and

grow our businesses. This bill will send a clear message to immigrants that our state welcomes them. Increasing access to healthcare is a wise and practical investment in the health and wellbeing of New Hampshire families. Vote 12-8. Rep. Erica Layon for the Minority of Health, Human Services and Elderly Affairs. The minority recognizes that legal immigrants must wait 5 years to access Medicaid, and that pregnancy may not wait that long. The minority also recognizes that welcoming our newest families is better done in the community than through faceless state programs. The rush to have the state take over every potentially underserved community undermines the healthcare system as a whole, no matter how noble the intent. Many immigrants secure work or marketplace insurance but for those without, charity has been filling this gap. The prevalence of scams on social media to help people supposedly in need demonstrates that people want to help, but don't know how. Connecting that active compassion with those in need will not only serve our newest neighbors, it will also meet the very real need to do good. **OTPA 186-170**

**HB 565-FN-A**, relative to expanding Medicaid to include certain postpartum health care services. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass with Amendment: There is a growing recognition that the postpartum period extends far beyond 60 days. This bill would extend Medicaid maternity care benefits from the current 60 days to a full year pursuant to the state option under federal law. Currently, many women lose coverage at a critical time, leading to undiagnosed and untreated conditions such as cardiovascular disease, hypertension and postpartum depression. This is a commonsense and inexpensive attempt to remedy our nation's high rate of preventable pregnancy-related mortality and morbidity. In addition, this benefit would increase options for family planning and reduce unintended pregnancies. Expanding postpartum healthcare coverage is a wise investment in the health and wellbeing of New Hampshire families. The amendment simply aligns the bill with the proper federal statute. Rep. Joe Schapiro Statement in support of Inexpedient to Legislate: This bill would extend Medicaid coverage without income verification for 12 months after birth, as opposed to the current two months after birth. If a woman becomes pregnant again within that year, she remains eligible without income verification. This bill creates an incentive for families who want multiple children to try to space births more quickly to remain on Medicaid for the cost benefits. Opponents will say that a family won't bring a new child into the world for a mere 10 months of coverage, however a second pregnancy within that window would gain 31 months of coverage, and a third child in the same timeframe would get a total of 52 months. A family is unlikely to have more children just for medical coverage, but for those who want multiple children, the benefit may prove hard to resist. Expanding medical care to one year postpartum is intended to avoid negative health outcomes, however closely spaced births are already more common in lower income women, and closely spaced pregnancies have negative impacts on the health and life of both the child and the mother. Risks of tightly spaced births include uterine rupture and congenital defects. Trading one set of health risks for another with potential lifelong complications for the next child seems unwise. Rep. Erica Layon. **OTPA. 184-179**

**HB 574-FN-A**, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass with Amendment: This program gives women and children on the Women, Infants, and Children (WIC) program an extra \$30 per growing season to purchase locally grown fruits and vegetables at farmers markets. In addition to the obvious nutritional benefits to the program recipients, the bill also benefits the local farming community by allowing greater purchasing power and ensuring greater demand for their produce. The bill includes an appropriation of \$300,000. The amendment merely tracks the federal enabling language which makes it clear that participating farm stands, as well as farmers markets, are included in the program. Rep. Lucy Weber Statement in support of Inexpedient to Legislate: This bill would re-establish a program that would give a small annual benefit of \$10 to \$30 that Women, Infants, and Children (WIC) program recipients could use to purchase food at farmer's markets. As well-meaning as the bill is, it would cost taxpayers upwards of \$300,000, yet would not have any substantial impact on the nutrition of WIC recipients. Many grocery stores that accept WIC sell local produce already. When this program was in place previously, vendors at farmer's markets faced challenges in redeeming the funds from the paper WIC system. Most WIC recipients are eligible for SNAP benefits, which are accepted at farmer's markets and do not represent the WIC system challenges. Rep. Leah Cushman **ITL 185-179**

**HB 614-FN**, directing the department of health and human services to develop a health outcomes repository related to per- and polyfluorinated alkyl substances. **OUGHT TO PASS WITH AMENDMENT**. Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill as amended will seize upon the recent report of the PFAS and Environmentally Triggered Chronic Illness Commissions to create a phase 3 feasibility study to determine if an epidemiological study to answer the question of PFAS in the Town of Merrimack causes kidney cancer. This bill as amended would appropriate \$500,000 to fund the process of determining the correct questions to ask to settle the question and would require the department to apply for grants from the NIH, CDC or other sources before having access to these funds. To incentivize the grant process, this appropriation would be non-lapsing. Vote 19-1.

**VV. AYE**

**HB 338-FN** relative to prescription drug assistance for individuals with diabetes . **ITL 283-61**

## **JUDICIARY**

**CACR 6**, relating to the retirement age for judges. Providing that the mandatory judicial retirement age shall be increased from 70 to 75. **OUGHT TO PASS**. Rep. Katelyn Kuttub for Judiciary. This proposed constitutional amendment would increase the mandatory retirement age for judges from 70 to 75. The age 70 age limit for judges has been part of the constitution since its inception in 1784. At that time, life expectancy was significantly lower than 70, whereas today life expectancy for both men and women extends significantly past 70. Indeed, many members of the legislature serve with distinction well beyond age 70. The proposed amendment has bipartisan support; and the overwhelming majority of the committee believes the change makes sense in order to prolong the

valuable services provided to the state by members of the judiciary who remain fully capable of performing their duties to age 75. **Vote 18-2. OTP 321-27**

**HB 63**, relative to religious use of land and structures. **INEXPEDIENT TO LEGISLATE.** Rep. Jeffrey Greeson for Judiciary. Recognizing that municipalities have used and may attempt to continue to use zoning laws to prevent or hinder religious organizations from fully utilizing their properties, this bill appears to exempt religious organizations from being subject to any zoning laws. This is equally unacceptable. However, this bill raises awareness to the fact that religious organizations engage in numerous charitable and socially beneficial activities, including providing housing for homeless people. This noble cause must be recognized, preserved, and protected. Although agreeing in principle with the underlying intent of this bill, the Judiciary Committee must recommend it **Inexpedient to Legislate. Vote 12-8. ITL 189-158**

**HB 240**, relative to equal access to marriage. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: We believe this bill is necessary to codify that the NH Constitutional Right to Privacy protects the right of interracial marriage in New Hampshire. Rep. Rebecca McBeath Statement in support of Inexpedient to Legislate: This bill would add language to RSA 457:1-a to state that marriage must be recognized as a union between two people regardless of race. Half of the Judiciary Committee believes this bill is simply not needed because there are absolutely no examples in which a marriage was denied in NH on the basis of race, and it is clear that any attempt to do so would be unconstitutional under both the state and federal constitutions. Rep. Joe Alexander

**HB 254**, relative to remote participation in public meetings under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Scott Wallace for the Majority of Judiciary. This bill seeks to modify the requirements for remote participation in public meetings under the right to know law. Well intentioned as it may be, there are significant issues to conducting public meetings remotely, as we have all learned over the last couple of years. Equipment must be purchased at significant cost to municipalities, subscription services must be paid for too in order to comply with the “[n]o meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice” requirement of the bill. This requirement may constitute an Article 28-a issue of downshifting costs to local communities. Furthermore, local boards are just that: local. New Hampshire towns have been managing to meet in person for more than 300 years at this time without issues for the most part. If board members have an issue getting to public meetings in the communities in which they live and serve, perhaps they ought to reconsider the desire to serve. Public service is an actual commitment, not a virtual one. **Vote 13-7. Rep. Mark Paige for the Minority of Judiciary.** Currently, New Hampshire’s right-to-know law allows remote participation of members of public bodies if a quorum is present at a physical location. Local public bodies across the state have requested that the statute be amended for towns, municipalities, and school boards so that only one-third of the body would have to be in a physical location. A quorum could then be made with remote participants. This bipartisan bill would give local public bodies the ability to do this. During the height of the pandemic, local governments used modern technology to successfully conduct meetings and business. This bill enables that practice to continue, subject to some important limitations, including the requirement of a physical presence of one-third of members of the board or committee at meetings . **OTP 218-132**

**HB 256**, prohibiting cities and towns from discriminating in the use of public facilities. **INEXPEDIENT TO LEGISLATE.** Rep. Marjorie Smith for Judiciary. The majority strongly supports the intention of the sponsor, to prohibit a municipality from unlawfully discriminating against any individual or group based on their speech or purpose. However, we reluctantly concluded that this bill is not the appropriate tool for accomplishing its stated goal. Appeals and potential resolutions within the local governmental structures, and in the judicial system, that could be best tailored to the specific complaint would be more appropriate. Questions unanswered by the bill included whether this would apply to commercial speech. **Vote 16-4. ITL VV AYE current law doesn’t change**

**HB 308**, relative to a quorum for meetings open to the public to include remote presence. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Bob Lynn for the Majority of Judiciary. As originally drafted, this bill would have permitted, but not required, all public bodies to hold remote meetings using electronic or other means. The amendment is permissive, not mandatory, but confines the reach of the statute to state boards, commissions, committees, advisory councils, etc. that by law or statute draw their membership from throughout the state. The amendment specifically excludes from the statute meetings of either chamber of the General Court or committees of either chamber, and also excludes meetings of the Governor and Council. It also requires that at least one third of the board be present in person for all meetings and that all members not personally present have the ability to see and hear, and be seen and heard, by all other members of the board and by members of the public present at the meeting sight. An exception to the one-third requirement is allowed in emergency situations, but the basis of the finding of an emergency must be stated in the meeting minutes. Although the majority of the committee did not support another bill that would have permitted local governing bodies to hold remote meetings, it felt that permitting such meetings for state boards that may derive their membership from citizens who reside anywhere in the four corners of the state made sense because of travel times, potentially hazardous road conditions, child care responsibilities, and other factors. **Vote 15-5. Rep. Louise Andrus for the Minority of Judiciary.** To allow for less than a quorum to participate in a public meeting remotely is not totally attainable and is unfair to the citizens as not every member of the public has internet access. When a person accepts an appointment or nomination to a board, committee, council, advisory committee, and like bodies of state government, that person knows that in-person attendance is expected. There should be a set standard of functional equipment. Until the day arrives that every citizen of NH has sustainable internet access, remote attendance should not be allowed as a way to conduct public meetings as we work for the citizens. **ITL 209-141**



**HB 123** relative to governing bodies of the budget committee. **OTP 168-176 failed. Then tabled VV AYE**

### **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**HB 57-FN**, relative to the state minimum hourly rate. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill reinstates the New Hampshire minimum wage and increases the minimum wage to \$13.50 in year one, \$14.25 in year two and \$15.00 in year three. It then increases the minimum wage by the Consumer Price Index each year thereafter. Committee members who support an Ought to Pass motion believe that New Hampshire, like our neighboring New England states, should move toward a \$15.00 minimum wage. Recent statistics indicate that more than 144,000 New Hampshire workers earn less than \$15.00 per hour and would therefore benefit from the increases this bill would provide. Since lower income workers tend to spend whatever income they receive, any increased wages created by an increased minimum wage would be put back into the local economy creating a positive impact on the economy. States that have increased their minimum wage have not experienced the negative economic impacts that opponents have warned about. Rep. Brian Sullivan. Statement in support of Inexpedient to Legislate: The minimum wage increase bill is a perennial bill that seeks to raise the minimum wage over the next three years to \$15.00 by 01/01/25. Half of the Labor Committee feels that private industry has done a good job raising wages far above the minimum wage proposed by this bill. A vast majority of the minimum wages being offered in NH are also above the minimum wages in the surrounding New England states. Increasing the minimum wage has been shown to lead to business owners eliminating jobs and replacing workers with technology. The bill also contains an automatic increase but never a decrease based on the cost of living Consumer Price Index. Each legislature should vote on any proposed increase in the minimum wage. This should not be automatic. Rep. Michael Granger

**OTP 178-183 failed**

**HB 74-FN**, relative to an employee's unused earned time. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: The bill applies to companies (with 15 or more employees) offering vacation time. While it is common practice to include earned but unused vacation in final wages, employers can (in their policy or practice) deny this upon termination as a blanket rule, regardless of the circumstances. There is currently no protection for employees terminated due to layoff or sale of the company. The time that was listed on their prior pay stub vanishes with the job. Rep. Michael Cahill

Statement in support of Inexpedient to Legislate: The bill would require employers to provide a number of items regarding vacation time and unused earned time. These include written policies, an undescribed means to request and approve usage of this time and an accounting of what has been used and what is remaining. While not being opposed to some of these requirements if they were more succinctly outlined, this would require an extra expense to many small business owners. The most significant concern is that the bill would require that all vacation time and unused earned time be considered compensation and therefore wages. Not all employers offer vacation time or earned time. Some employers offer a certain number of hours to be used for a combination of sick time, vacation and other personal time. Some employers allow for this time to be converted to payment upon termination of employment and some do not. Earned time does not mean payable on demand for all NH employers. Allowing the employers to determine how they are going to consider these benefits is the NH way and results in a more vibrant business environment.

Employers will adjust as needed to keep and maintain happy employees. Rep. Lino Avellani **OTP 187-174**

### **MUNICIPAL AND COUNTY GOVERNMENT**

**HB 489-FN-A**, establishing a county tourism development fund administered by the department of business and economic affairs and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Richard Lascelles for the Majority of Municipal and County Government. The majority of the committee felt that although the state of New Hampshire needs and could benefit from more emphasis on the positive qualities of the state that would appeal to out of state tourists, for individual counties to do this would result in a disjointed strategy that has little chance of positive results. Vote 10-9. Rep. Laurel Stavis for the Minority of Municipal and County Government. This bill calls for an initial appropriation of \$750,000 to create an economic development and tourism mechanism within counties. After the appropriation it would rely on rooms and meal tax revenues to continue its operation(s). The committee was split in this bill, with the minority feeling that some counties have a real need for increased tourism and economic vitality while others, with amenities such as the seacoast, lakes and mountains, have different needs. **ITL 190-171**

**HB 44**, relative to permissible residential units in a residential zone. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Julie Gilman for the Majority of Municipal and County Government. The majority believes this bill will help ease the state's housing shortage, which has reached crisis proportions with a vacancy rate of less than .05%. It provides for up to four dwelling units by right on any single-family lot in residential zones served by public water and sewer. The bill expands property rights for single-family homeowners while also providing controls on expansion to balance growth while sustaining rural character. Most importantly, in order to qualify, the residential lot must be connected to a municipal water and sewer service. If a municipality or property has no such service, this bill will not apply. Other local zoning ordinances for single-family lots must be adhered to, such as setbacks, parking requirements, building height and lot coverage. All relevant building code and fire code requirements shall apply. This bill encourages new construction and rehabilitation of existing buildings. The requirement for water and sewer connection is protection for rural areas and small towns without these services while still allowing more dense areas to infill large lots with more dwelling units. New Hampshire needs more housing in order to stay economically vibrant. This bill would

not take effect until April 2024, giving communities time to evaluate and plan for future growth. Vote 11-9. Rep. Len Turcotte for the Minority of Municipal and County Government. The minority of the committee recommends this bill be found Inexpedient to Legislate. This bill would force any municipality to permit "as a matter of right" four dwelling units on any residential lot with access to municipal water and sewer. The bill fails to address the existing property rights of those who oppose altering the character and density of their current residential neighborhoods. The bill also fails to address the unfunded mandates that the minority of the committee believes would occur as demands on municipal water and sewer systems would require upgrades or expansions. There is zero debate that towns and cities currently can accomplish on their own the zoning regulations which this bill attempts to accomplish by force from above (the state). Zoning regulations are the purview of the municipalities, those that know their infrastructure and citizen's preferences best. We would not want the Federal Government telling municipalities how we must zone our NH properties. We should not consider distant politicians and bureaucrats in Concord experts on each of our individual NH towns and cities. This is yet another instance of "picking winners and losers." Builders, landlords, investors are potential winners. Most homeowners and taxpayers will be almost certain losers. There are many, many more issues to be discussed here, but ultimately, the entire bill comes down to a single issue: should ill-conceived and improperly analyzed central planning legislation at the state level be forced upon and mandated to local municipalities regardless of the fiscal and social impact. **OTPA 117-232 failed HB 123**, relative to governing body members of the budget committee. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: This bill amends RSA 32:15, I(b) to clarify the roles of budget committee members, which include representatives from the local governing body and school board (when the school district is located wholly within the town) who are appointed by their respective boards to serve for a term of one year and until their successors are qualified. This is the very definition of 'ex officio' which is Latin meaning "By virtue or because of an office; by virtue or authority implied by the office," and as opposed to serving on the committee by virtue of being elected by the people, such as in the case of official budget committees. The bill appropriately defines the local governing body and any school board members as ex officio and requires ex officio members to act in an advisory-only capacity. Furthermore, it prohibits ex officio members from voting or having their presence counted towards a required quorum. Whereas budget committees consider local governing bodies' and, in some cases, school board budgets, this amendment will eliminate claims of bias, if not also undue influence and/or conflict of interests. If passed, this bill would allow citizens to understand that their budget committee is completely independent and that its members are truly neutral and act only in the people's best interest. Rep. Deborah Aylward Statement in support of Inexpedient to Legislate: This bill amends RSA32:15, I(b) Budget Committee Membership and changes the role of the governing body and school board representatives on the budget committee from voting members to advisory only. The composition of the budget committees is designed to facilitate a collaborative review of school and town budgets, and to look for ways to improve them. Stripping the voting rights of these members weakens their voice and therefore harms the budget development process. This would increase the likelihood of conflict at deliberative sessions and town meetings. Rep. Allan Howland **OTP 168-176, THEN TABLED BY VV HB 226**, enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Laurel Stavis for the Majority of Municipal and County Government. This bill allows municipalities to enact ordinances that restrict the use of single use plastics and limit how they can be disposed of in landfills. While many on the committee agree that non-recyclable plastic is an environmental problem, the majority nonetheless moved the bill Inexpedient to Legislate because they felt it did not adequately define what constituted single use plastics, and concerns were raised about how the lack of specificity could cause confusion. Vote 16-4. Rep. David Preece for the Minority of Municipal and County Government. This bill aims to enable communities to regulate the point-of-sale distribution of single-use packaging and the disposal of single-use packaging waste with their municipal landfills and transfer stations. At the outset of efforts to combat the plastic pollution crisis impacting our rivers, lakes, oceans, and natural resources, local and state governments across New England and the U.S. are banning single-use plastic bags. As a result, they are seeing reductions in single-use bags of 60% or more. However, numerous studies have shown that plastic production, use, and disposal are harmful to human health and the environment. Since government and retail and production businesses have failed to address this growing crisis, this bill is necessary to enable cities and towns to adopt local laws that protect their communities' health, welfare, and safety. **ITL 259-90 HB 312**, relative to petitions for warrant articles at a special meeting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.** Rep. Josh Yokela for the Majority of Municipal and County Government. The proposed bill would require 10% of registered voters to call for a special meeting. The majority of the committee believes that maintaining the current low bar encourages civic engagement. There are times when a quick turn-around may be appropriate, and getting thousands of additional signatures for a special meeting may require so much time and effort that the practice could be effectively eliminated with this passage of this legislation. Vote 11-9. Rep. Laurel Stavis for the Minority of Municipal and County Government. This bill raises the warrant requirements for towns to hold special meetings by increasing the number of citizens required to request same. An amendment outlined parameters under which select boards could decide if there was sufficient reason for a special meeting. The amendment was not offered in the original motion. **TABLED 316-30 HB 357**, relative to the length of terms for Belknap county officers. **WITHOUT RECOMMENDATION** Statement in support of Ought to Pass: In a split vote, members of this committee believe that extending Belknap County register of deeds, sheriff, treasurer, and county attorney to four-year terms will align Belknap County elected officials with terms for Rockingham County elected officials as amended by HB 1397 which was passed in 2022. The bill provides crucial stability to the offices without the immediate and constant impacts of campaigning. A four-year term will allow the sheriff and county attorney the time to properly prosecute important cases.

In many instances, cases require more than two years to complete. Newly elected officials to these positions also need time to institute administrative policies, rules, technology, and legislative changes all of which require time to implement fully and effectively. The Association of Counties supports this bill. Rep. Jim Maggiore Statement in support of Inexpedient to Legislate: This bill proposed to allow Belknap County officers to be elected to four-year terms, as the legislature did with Rockingham County officers. Many on this and previous committees have suggested a uniform change to keep the county's process consistent across all counties, but the House amended the committee proposal and chose a single county as test. Those on the committee who support ITL still believe a uniform and consistent application is best and we do not condone a piecemeal approach. We also believe there is no compelling interest that county officers have less oversight from the voters than the governor who is also tasked with carrying out the laws. Rep. Josh Yokela. **TABLED 177-162**

**HB 403**, relative to the authority of selectmen or assessors to abate taxes. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT. Rep. Laurel Stavis for the Majority of Municipal and County Government. This bill amends RSA 76:16, I(a) so that it removes the authority of Selectmen and Assessors to abate taxes, should problems be identified, for "good cause," and replaces that language with "administrative or clerical errors." This narrows the scope of how errors can be corrected. "Good cause" is a recognized legal term that is used in this and other NH statutes. It should remain in the language of the RSA. Vote 12-8. Rep. Len Turcotte for the Minority of Municipal and County Government. This bill, as amended, would add clarity, guidance, and limitations in relation to the ability of assessors and selectmen to grant abatements. The amendment replaces "for good cause" with the language "administrative or clerical errors, assessment or valuation errors and poverty." The sponsors provided several NH court cases from their research where the courts determined the current RSA was abused. This bill would remove the ability of selectmen or assessors to use overly broad interpretations for favors and even personal gain. The minority recommends Ought to Pass with Amendment. **ITL 200-144**

#### **PUBLIC WORKS AND HIGHWAYS**

**HB 20**, naming a bridge in the town of Merrimack for the Honorable Richard "Dick" Hinch. OUGHT TO PASS. Rep. Bill Boyd for Public Works and Highways. This bill names the Bedford Road Bridge, which crosses the Baboosic Brook, in Merrimack after our former House Speaker, Dick Hinch. A proud graduate of Marblehead High School and Salem State University, an even prouder veteran of the United States Navy, Dick was a man who dedicated his life in service to others and to the community of Merrimack. His numerous charitable works included the Nashua Soup Kitchen, Children of Fallen Patriots, and The Liberty House. His civic work in Merrimack included stints with the Merrimack Chamber of Commerce, Rotary and Lions Clubs. He remained active with Merrimack's American Legion and Veteran of Foreign Wars posts. Most importantly, his admirable commitment to governing our town is particularly noteworthy: Budget Committee, Solid Waste, Library Development and Marketing, Zoning Board of Adjustment, Chair of our former Board of Selectman, and 6 terms as a Member of the New Hampshire General Court culminating in his election to being Speaker of the New Hampshire House of Representatives highlights his commitment to serving others and getting the best outcomes possible. Dick dedicated his public service into making things better for his community of Merrimack and his fellow Granite Staters, a fact that gave him much pride and satisfaction. Undoubtedly, the source behind his pride and satisfaction, was a loyal and strong commitment to his family: a loving and faithful husband of 36 years to his wife, Patricia, a devoted father to Jay Hinch; Kelly Snow and her husband Jesse Snow; and, posthumously, a beloved grandfather to his grandson, Charlie Snow. Dick's final words as Speaker of the New Hampshire House of Representatives personifies the essence of his true character and ebullient humanity: "We may have different ideas, but we all want to do what we believe is right, and there is nothing political or partisan about that." The naming of the Bedford Road Bridge in honor of Richard "Dick" Hinch will serve as his legacy to the Town of Merrimack, a befitting reminder that his service to Merrimack built bridges for the community and the Granite State. Vote 19-0. **OTP 356-4**

#### **RESOURCES, RECREATION AND DEVELOPMENT**

**HB 310**, requiring developers to secure hydrology analysis certifying adequate water capacity and potability when building new subdivisions. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Rep. Robert Healey for the Majority of Resources, Recreation and Development. This bill requires developers to secure a hydrology analysis certifying adequate water capacity and potability when building new subdivisions. The committee heard compelling testimony from New Hampshire Department of Environmental Services (NHDES) with regard to costs nearing \$100,000 and time frames of up to nine months to complete well drilling and testing to comply with the requirements of the bill. In addition, NHDES also questioned the efficacy of the proposed requirement, stating that the very fluid nature of water itself would not guarantee that over a period of time, sometimes in as short as months, that the hydrology could possibly change and deviate from the testing's original analysis and conclusions. This and other testimony produced an overwhelming bipartisan majority opinion of the committee that this bill be deemed Inexpedient to Legislate. Vote 16-4. Rep. Rosemarie Rung for the Minority of Resources, Recreation and Development. The minority believes that the intent of this bill is worthy of further study to determine if less complex and costly hydro analysis is available to protect private well owners from potential destruction from new subdivision wells. **ITL VV AYE**

**HB 212-FN-A**, appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances. OUGHT TO PASS. Rep. Rosemarie Rung for Resources, Recreation and Development. Public and private wells throughout the state, and particularly in the seacoast and southern NH, supply drinking water contaminated with PFAS at levels beyond the NH Maximum Contaminant Levels. This bill expands the eligible uses of the PFAS Loan Fund, adds \$2 million dollars to it, and renames it the "PFAS

Response Fund" in order for the NH Department of Environmental Services (NHDES) to improve response to the growing need for water testing, scientific investigation, and anticipated response to federal regulation of PFAS in drinking water. Multiple environmental groups, the NH Municipal Association, and NHDES spoke in support of the bill. Vote 20-0. **OTP VV AYE HB 276-FN-A**, establishing the cyanobacteria mitigation loan fund. **OUGHT TO PASS WITH AMENDMENT.** Rep. Rosemarie Rung for Resources, Recreation and Development. NH water bodies, including those serving as public water supplies, are experiencing more frequent toxic cyanobacteria blooms. Cyanotoxins from blooms cause acute health impacts and are associated with terminal neurological diseases, such as ALS. Blooms result in lost days of recreation on NH water bodies and threatens our tourism economy and property values. This bill creates a Cyanobacteria Loan and Grant Fund to allow municipalities, community water systems, watershed and lake associations access to funds to implement projects to mitigate and reduce the occurrence of cyanobacteria blooms. The amendment revises the original bill to include a grant component for small watershed and lake associations and adds an oversight component for financial expenditures. This fund would also support anticipated localized projects identified by New Hampshire Department of Environmental Services (NHDES) in their upcoming November 2023 cyanobacteria plan. In a letter to the committee, NHDES Commissioner states, "As written, HB276 is targeted to fund cost-effective and appropriate cyanobacteria mitigation projects." The majority believes that establishing this fund in 2023, rather than waiting until the next budgetary cycle in two years, will prevent the exacerbation of blooms that a two-year delay will create. Vote 17-3. **OTPA199-160 HB 534-FN-A**, relative to water assistance for natural disasters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Suzanne Vail for the Majority of Resources, Recreation and Development. This bill would give private well owners vital assistance to replace, repair, and/or treat their private drinking water sources, based on ability to pay, in the event of a natural disaster, such as flood, fire, drought, earthquake, or other "acts of god." The true cost of drilling a new well or connecting to a municipal water supply, in an emergency, is tens of thousands of dollars, and drillers who can help in an emergency have thousands to serve. Traditionally, funding for repair, replacement and treatment of water supplies that have been impacted by natural disasters, has only been available to public water supplies. The bill creates a dedicated non-lapsing fund, called the Water Assistance for Natural Disasters Fund. The Commissioner of Department of Environmental Services (DES) may apply for and accept from any source, gifts, donations of money, grants, legislative appropriations, federal, local, private, and other matching funds and incentives to deposit into this fund. All funds therein, must be distributed by DES to be used to assist residents with repair, replacement and treatment of their private wells, following a natural disaster. The application process will be developed and implemented by DES, utilizing the existing program guidelines developed by the NH Drinking Water and Groundwater Advisory Commission. The bill appropriates \$2.5 million in 2024, and \$2.5 million in 2025 to the fund, for DES to administer the fund and to cover costs of administration. Vote 11-9. Rep. Juliet Harvey-Bolia for the Minority of Resources, Recreation and Development. This bill would establish a new chapter in New Hampshire statute entitled "Water Assistance for Natural Disasters." While the bill mentions "floods, fires, drought and other acts of God," the testimony focused almost solely on water, predominantly well water and the lack thereof. So let us talk about what's really on the table. We are not talking about supplying emergency water. This is a plan to have the taxpayers repair or replace the wells in the homes of those deemed as being low income should they become impacted by a "natural disaster." The proposed program becomes operable only during or by the occurrence of a "natural disaster." While a natural disaster affects everyone, only those of low income would have access to help. It also appears that the bill does not mention loans, but simply says "provide for the replacement, repair and treatment of private drinking water sources." In other words, the taxpayer's pay without reimbursement. Realize also that this is a significant capital input (as much as 5 figures) adding to the value of the property. Considering that they are paying for it, should not all New Hampshire taxpayers have access to this program regardless of status? During testimony there were questions asked about other sources of aid. There was a lack of cogent specifics. Also, during testimony, we learned that a similar project was undertaken by the New Hampshire Drinking Water and Groundwater Commission where they provided this service to 147 homeowners. It would have been valuable to have had the time for the committee to review the results of that program to help answer questions concerning this \$5 million biennial expenditure. There was an attempt to retain the bill for further study which failed due to a tie vote. **OTP 179-177**

#### **STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS**

**HCR 1**, a resolution applying for a convention of the states under Article V of the Constitution of the United States. **OUGHT TO PASS.** Rep. Brandon Phinney for State-Federal Relations and Veterans Affairs. Article V of the US Constitution reads in part, "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments." A convention of states is a gathering called by the state legislatures for the purpose of proposing amendments to the Constitution. Such a gathering would not be a constitutional convention. It could not throw out the Constitution because its authority is derived from the Constitution. Similar measures have come to this committee in the past, to include last year. The committee did not then recommend Ought to Pass in large part because of repeated concerns being expressed about a "runaway convention." Opponents successfully stoked enough fear to derail the measure. This year, supporters of the resolution provided extensive testimony addressing such concerns and the majority of the committee has now been reassured about this issue and now supports passage. A "convention for proposing amendments" as provided for in Article V, 17 FEBRUARY 2023 HOUSE RECORD 26 has zero power to change the Constitution in any manner whatsoever. Any amendment that may be proposed by delegates is without effect unless subsequently ratified by no fewer than 38 states. This means that 13 of 99 state legislative bodies have absolute veto power over any proposed amendment. And this

high bar means that any proposed amendment is non-viable unless it is broadly supported by a supermajority of Americans, including both conservatives and progressives. As to the relevant subject matter, the single live (unrescinded) New Hampshire application (HCR40, 2012) limits convention subject matter to federal fiscal responsibility (budget balancing). Recent administrations and congresses have been driving up the national debt with reckless monetary policy such that our nation's future is imperiled. Young people cannot possibly support or sustain what has been created. In its unanimous 2020 decision in *Chiafalo v. Washington*, the U.S. Supreme Court confirmed absolute state authority to remove, replace and sanction delegates attempting to exceed the authority given them by that state's application. This authority applies even to states without delegate limitation laws on the books, although numerous states already have such delegate limitation laws triggering prompt removal and replacement of delegates attempting to breach state application subject-matter limits. Similar delegate limitation measures are now pending in New Hampshire as well. An Article V convention is the safest bipartisan method of reforming government using the Constitution we are sworn to. As of today, 39 states have passed valid applications for a convention for fiscal responsibility, while 19 states have passed applications for a convention to propose specific amendments. Our Constitution was designed by the framers to be amendable, with either Congress or the states granted equal power to initiate the process. The language in Article V giving states this power was a carefully crafted compromise agreed to by the likes of James Madison, who, along with other framers, recognized that Congress could one day become corrupt or unresponsive. Leaving control over amendability solely in the hands of such a Congress leaves our nation unable to peacefully address well-recognized structural challenges, such as national debt or the federal-state power balance. For these reasons a strong bipartisan majority of this committee recommends moving this resolution forward. Vote 13-5. **ITL 198-150**

**HR 8**, urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS. Rep. Tom Mannion for the Majority of State-Federal Relations and Veterans Affairs. This resolution would urge Congress to implement an assault weapons ban, which is in violation of the 2nd Amendment to the US Constitution and, more importantly, Article 2a of the New Hampshire Constitution. The riots of the summer of 2020 serve as an example of an armed populace being capable of keeping the peace, as our cities did not burn unlike those in states with active assault weapons bans. At all levels, courts have consistently ruled that law enforcement is under no obligation to risk their lives to save ours, so it is up to each of us to be armed to defend our families, businesses, communities, and homes. Despite the authors of the federal bill referring to common semi-automatic rifles as "weapons of war" and "only useful for mass murder," their ban contains carve-outs allowing the Department of Education, the Internal Revenue Service, US Department of Agriculture, and other federal agencies to continue to purchase them, which is troubling. Vote 10-8. Rep. Steve Shurtleff for the Minority of State-Federal Relations and Veterans Affairs. This bill would ask Congress to pass legislation banning assault weapons and large capacity magazine. For far too long, America has witnessed the mass killings in our nation caused by individuals armed with assault weapons. These shooters aren't sportsmen or responsible gun owners. They are demented individuals, whose only goal is to kill as many people as quickly as they possibly can, thereby causing death and terror in our schools, our churches, our synagogues, our stores, entertainment venues, and the list goes on. There are those who believe the 2nd amendment is sacrosanct text. That the passage of any gun safety regulations would be contrary to the intent of the drafters of the U.S. Constitution. We respect their beliefs, but adamantly disagree with them. The 2nd amendment was never an unrestricted right, because the constitution grants the right to bear arms in the context of a well-regulated militia. Our Constitution is a living document. We can see how our constitution has evolved over the centuries, especially with the passage of the 13th and 19th amendments. This resolution isn't about placing unnecessary restraints on gun ownership. This resolution is simply about saving lives. **ITL 181-162**

**HR 9**, calling for the federal government to enact an American Marshall Plan to rebuild economically impoverished communities and strengthen climate resilience infrastructure. INEXPEDIENT TO LEGISLATE. Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. This resolution requests the federal government to enact a modern-day "America-centric" version of the post-World War II Marshall Aid Plan. The majority of the committee believes the most recent Inflation Reduction Act a trojan horse for big spending on Green New Deal policies, and we cannot trust any large-budget spending bills out of Congress. These omnibus packages are rife with earmarks for special interest projects that have nothing to do with the objective of the bills. Massive omnibus spending has given us the record inflation we are seeing today, with turmoil across many markets. During testimony, it was also made clear that any construction projects issued under this plan would have preferential treatment to union shops, discriminating against a large portion of the private sector labor force. Government-backed monopolies on labor should not be encouraged. Vote 11-7. **ITL 176-169**

**HR 10**, supporting statehood for the District of Columbia. INEXPEDIENT TO LEGISLATE. Rep. Tony Piemonte for State-Federal Relations and Veterans Affairs. The committee's majority opposed this measure due to concerns that statehood for the District of Columbia would be contrary to the founders' intent to create a separate federal district that did not have to answer to any particular state government. Other approaches to better enfranchise DC citizens should first be considered. Vote 10-8. **ITL 179-168**

**HR 15**, relative to affirming support against the establishment of a state religion. INEXPEDIENT TO LEGISLATE. Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. While some committee members agreed that Marxism could be seen as a faith-based movement with all that that might imply, most saw the phraseology of the resolution as far too esoteric. With different wording and with more co-sponsors, such a measure as this might rate more attention in the future. Vote 14-3. **ITL VV AYE**



**TRANSPORTATION**

**HB 111**, establishing a committee to study electrical vehicle charging for residential renters. **INEXPEDIENT TO LEGISLATE**. Rep. John Sellers for Transportation. The majority agreed a study is not needed and that the free market will drive landlords to create more electric vehicle charging stations for their tenants. Vote 11-9. **OTP 175-172**

## February Break

It's officially February break next week. There will be no House or Senate session. Some committees will still meet, notably House Election Law and House Labor Law. (See the articles on OSHA standards and funding election equipment, below.) Overall, however, it will be a bit slower than the previous few weeks. We anticipate that the next big wave of activity will occur in advance of the March 8 House session, which will likely see the House consider a number of important bills for municipalities. Please be on the lookout for a special legislative alert if those bills are scheduled for that session.

This week, the House acted on the majority of House bills with potential fiscal impact for municipalities. However, because these bills must now go to a second committee, the work continues in House Ways and Means and all divisions of House Finance.

## Municipal Water Funding on the Table

On Wednesday, two bills NHMA supported met the same fate in the Senate. The Senate adopted the committee's recommendation of Ought to Pass on both **SB 230** and **SB 138**, but then immediately voted to lay both bills on the table. **SB 230** would appropriate \$15 million in non-lapsing funds for each of the 2024 and 2025 fiscal years to fund the state share of eligible and completed wastewater projects under the state aid grant (SAG) program pursuant to RSA 486. (**HB 311**, the House version of **SB 230**, is currently being considered by the House Finance Committee.) **SB 138** would add \$10 million to the existing perfluorinated chemical (PFAS) remediation loan fund. With these important bills still in play, we urge members to continue to contact their senators and representatives to express the critical need for the continuance of this long-standing state and local partnership.

## Update on this Week's House Session

Thursday, February 23 was the last day for the House to act on House Bills (HBs) going to a second committee. In other words, any bills that had a fiscal note—designated by an "FN" following the bill number—had to be acted on yesterday. Now, a hearing will be scheduled in that second committee—either House Finance or Ways and Means—and that committee will consider, basically, whether the policy passed by the House is a good use of money.

Two bills of municipal interest, both of which NHMA opposes, were passed by the House and will now be heard by a second committee:

**HB 74**, relative to an employee's unused earned time. Passed 187-174. Referred to Finance.

**HB 639**, relative to the legalization and regulation of cannabis and making appropriations therefor. Passed with amendment 234-127. Referred to Ways and Means.

In addition to the bills that are going to a second committee, the House passed one policy bill that NHMA opposes, which will now head to the Senate:

**HB 252**, exempting agricultural operations from certain municipal noise ordinances. Passed with amendment 266-84.

Several bills of municipal interest were killed by the House this week:

**HB 63**, relative to religious use of land and structures. ITL 189-158.

**HB 254**, relative to remote participation in public meetings under the Right-to-Know Law. ITL on voice vote.

**HB 44**, relative to permissible residential units in a residential zone. After a contentious debate and several motions, ITL 209-141.

**HB 403**, relative to the authority of selectmen or assessors to abate taxes. ITL 200-144.

Two bills of municipal interest were laid on the table this week. Traditionally, laying a bill on the table is a polite way of killing a bill—but it's always possible for a bill to come off the table and either be passed or killed. The bills of interest that were voted on this week were:

**HB 123**, relative to governing body members of the budget committee. Tabled on voice vote, after failed vote to pass 168-176.

## 2023 NHMA Legislative Bulletin 09

February 24, 2023

[Inside this Issue](#)

[House Session](#)

[Retirement System](#)

[State Funding](#)

[OSHA Standards](#)

[Hotel Occupancy](#)

[Hearing Schedule](#)

[NHMA Events](#)

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## Retirement System Legislation Update

On Wednesday, the House acted on many of the bills this session that would impact municipal budgets by modifying, changing, or redefining member benefits. *Most* will increase the unfunded liability, employer costs—and, ultimately, local property taxes. NHMA opposes legislation that expands or changes pension benefits resulting in increased employer costs based on our member-enacted policy. Below is a summary of the House actions on these bills.

- **HB 436: Ought to Pass with Amendment** on a roll call vote of 260-103. This bill was significantly amended in committee and would adjust the transition provisions for Group II service retirement adopted in 2011 over a 10-year period until 2033 and make general fund appropriations each year to terminally fund the cost of the benefits. The amendment does not contain an appropriation to fund the policy change or a fiscal note to determine if there will be any increase to employer costs or an impact on the unfunded accrued liability. This bill now heads to the House Finance Committee.
- **HB 250: Ought to Pass** on a roll call vote of 260-103. This bill would increase the Group II accidental death benefit from 50 percent to 100 percent of member's annual rate of earnable compensation at the date of the member's passing. The estimated increase of this legislation on the employer pension rate for police is .25 percent and .28 percent for fire, totaling just over \$1 million in additional employer costs for fiscal year 2024 alone. The New Hampshire Retirement System (NHRS) estimates a \$4 million increase in the actuarial accrued liability (UAAL). This bill now heads to the House Finance Committee.
- **HB 449: Retained in Committee.** This bill would increase the service retirement and disability retirement annuity multiplier for the first 20 years of service for Group II retirement system members under the transition provisions adopted in 2011. NHRS estimates a \$82.2 million increase in the UAAL increasing employer rates in fiscal year 2024 by 2.94 percent (an estimated \$7.26 million) and 2.41 percent for fire (an estimated \$3.72 million) for an aggregate increase of \$10.98 million.
- **HB 525: Inexpedient to Legislate.** This bill would have reinstated certain types of earnable compensation and change the calculation of the pension benefit for all members who became vested between January 1, 2012, and December 31, 2013. NHRS estimates an increase of \$124.3 million in the UAAL and the expected fiscal impact to municipal employers across *all* Group I and Group II is estimated at \$9.8 million in fiscal year 2025 and \$10 million in fiscal year 2026.
- **HB 579: Inexpedient to Legislate.** This bill eliminates the transition provision adopted in 2011 for Group II retirement system members that began service before July 1, 2011, but were not yet vested. The local impact is estimated at \$25.8 million beginning in fiscal year 2026.
- **HB 571: Ought to Pass** on a division vote of 192-167. This bill would provide a cost-of-living adjustment (COLA) in 2023 to qualified Group II retirees on the first \$50,000 of a retired Group II member's or beneficiary's allowance. As passed by the House, the cost of this COLA would be paid from the state general fund having *no impact* on municipal employers. This bill now heads to the House Finance Committee.

## Potential State Funding of Election Equipment

One of the topics that we've been watching closely—and supporting—are legislative efforts to find funding at the state level to purchase election equipment. Two bills were filed this year that started that conversation: SB 73 and HB 447. Although **HB 447** has a hearing on **Tuesday at 11:30 a.m.** in **LOB 306-308** in front of the **House Election Law Committee**, we are not overly optimistic about its fate, as identical **SB 73** was recommended as **Inexpedient to Legislate, 3-2**, in the Senate committee. (No Senate vote has yet taken place, however.)

We are hopeful that the filing of these companion bills means that legislators are seriously considering how to address the cost of replacing the end-of-life AccuVote ballot counting machines. This "very old technology" (according to the New Hampshire Attorney General's Office) is slated for replacement sometime after the Ballot Law Commission finishes assessing new machines and certifies their use in New Hampshire's elections. According to the Secretary of State's Office, 195 towns/wards use AccuVote machines and the cost of replacement of each machine is likely to range from \$6,000 to \$8,500. Although some towns/wards use multiple machines, the total replacement cost range is expected to be around \$1.17 million to \$1.65 million for existing adopters. (There are a total of 308 polling locations throughout the state, 113 hand count ballots.)

Additionally, the recent authorization of electronic poll books ("poll pads"), which are used in conjunction with a paper check-in process, has been adopted by municipalities throughout the state. Poll pads cost \$3,325 each, and it is unknown how many municipalities will want to supply their polling locations with electronic poll books in the years ahead. Municipalities which have adopted electronic poll books have indicated that they have helped reduce voter check-in wait times, thus improving voting processes for voters and election officials.

Both **HB 447** and **SB 73** look to the \$12.7 million Help America Vote Act (HAVA) fund to provide grants for these upgrades, but we understand that the secretary of state is concerned about the use of those funds for this purpose. We are hopeful that stakeholders can identify an appropriate use of funding, if the HAVA fund is inappropriate, so that when the Ballot Law Commission certifies new ballot counting machines for use in New Hampshire's elections, our state is ready to transition to those new machines smoothly and quickly.

## OSHA Standards for Local Government

On **Wednesday, March 2, at 10:00 a.m.**, in **LOB 305-307**, a subcommittee of the **House Labor, Industrial and Rehabilitative Services Committee** will conduct a second work session on **HB 232**, which would adopt the 1910 OSHA standards for the public sector workforce in New Hampshire—meaning the state and all local governments would need to comply with these federal standards. (1910 refers to a particular set of standards, as OSHA has more than one set of standards.)

Currently, the New Hampshire Department of Labor enforces state safety rules (LAB 1400), promulgated through the administrative rulemaking process. As we understand it, these rules address almost every area that the OSHA rules address, absent much of the administrative oversight and burden. These rules have provided a framework for safe work practices in New Hampshire's public sector for almost 30 years. **HB 232** would be a substantial change.

The fiscal note of the bill states the following:

"The Department of Labor indicates this bill would increase state, county and local expenditures by an indeterminable amount. These costs would be driven by adjustments that may have to be made by government entities in order to become compliant."

NHMA, and our local officials, have expressed serious concerns about these costs. Coming into compliance with a new body of federal regulations will inherently create additional costs for legal advice, staff time, implementation, new or additional equipment, staff training, and likely even some infrastructure costs. Unfortunately, the extent of these expenses cannot be known until the work is done. The bill does not contain an appropriation for additional costs that will be incurred by the state or local officials.

For these reasons, NHMA is opposing **HB 232** based on the cost-related burdens it would create for our members. Local officials who wish to weigh in on this issue are encouraged to attend the subcommittee session or provide written testimony. NHMA staff can provide your testimony to the committee if it is sent to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org) at least 24 hours in advance of a hearing, work session, or executive session.

### Hotel Occupancy Fee Up for Senate Vote

It is no secret that the bulk of municipal budgets come from property taxes. Municipalities have been struggling over the past couple of years to continue to provide the same services in the face of persistent inflation and have been looking for alternative revenue streams to property taxation. Unfortunately, without additional authority from the state legislature, municipalities are limited in their ability to explore revenue streams that would not result in levying additional money from their residents.

One option for additional revenue that was brought forward this year was **SB 262**, allowing municipalities to collect a local option occupancy fee of up to \$2 from operators of local room rentals. As drafted, **SB 262** would allow the legislative body to consider adoption of that fee, drawing direct revenue from tourists (primarily), which would offset municipal service costs.

Unfortunately, **SB 262** was recommended Inexpedient to Legislate by the Senate Ways and Means Committee in a 4-1 vote. The bill will head to the floor for a full Senate vote on March 9. We urge our members to contact their senator and explain how this option would allow residents to decide whether to offset municipal costs by local adoption of the local occupancy fee.

### Hearing Schedule

Please click [here](#) to find a list of hearings next week on bills that NHMA is tracking. Please note that the linked PDF only covers hearings scheduled for the next week. For the most up-to-date information on when bills are scheduled for a hearing, please use our [live bill tracker](#).

### NHMA Upcoming Events

Mar. 1	2023 Regional Legislative Preview in Keene - 6:00 p.m.
Mar. 1	<b>Webinar:</b> How to Stay Out of the Principal's Office - 12:00 - 1:00
Mar. 15	<b>Webinar:</b> Cybersecurity for Government Leaders - 12:00 - 1:00
Mar. 29	<b>Webinar:</b> Transportation Safety - 12:00 - 1:00
Apr. 5	<b>Webinar:</b> Succeeding at Tax Deeding - 12:00 - 1:00
Apr. 6	Local Officials Workshop (hybrid) - 9:00 - 4:00

Please visit [www.nhmunicipal.org](http://www.nhmunicipal.org) for the most up-to-date information regarding our upcoming events. Click on the Events& Training tab to view the calendar.

For more information, please call NHMA's Workshop registration line: (603) 230-3350.