

LEGISLATIVE COMMITTEE MINUTES

HB1188

Bill as Introduced

HB 1188 - AS AMENDED BY THE HOUSE

10Mar2022... 0582h

2022 SESSION

22-2015
12/08

HOUSE BILL **1188**

AN ACT establishing a commission to study OHRV use in the state.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Thompson, Coos 1; Rep. Egan, Graf. 2; Rep. Weston, Graf. 8; Rep. E. Kelley, Coos 3; Rep. Gould, Hills. 7; Sen. Hennessey, Dist 1; Sen. Watters, Dist 4

commission: Resources, Recreation and Development

ANALYSIS

This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a commission to study OHRV use in the state.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; OHRV Commission. Amend RSA 215-A by inserting after section 44 the
2 following new subdivision:

3 OHRV Commission

4 215-A:44-a OHRV Commission.

5 I. Commission Established. There is established a commission to study the use of OHRVs in
6 New Hampshire.

7 II. Membership and Compensation.

8 (a) The members of the commission shall be as follows:

9 (1) Four members of the house of representatives, appointed by the speaker of the
10 house of representatives:

11 (A) Two of whom shall be members of the house resources, recreation and
12 development committee, one of whom shall be from the majority party and one of whom shall be
13 from the minority party.

14 (B) One of whom shall be a member from the house transportation committee.

15 (C) One of whom shall be a member from Coos county.

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

17 (3) One representative of the fish and game department, appointed by the executive
18 director of the fish and game department.

19 (4) The chief supervisor of the bureau of trails of the department of natural and
20 cultural resources, or designee.

21 (5) One representative of municipal police departments, appointed by the New
22 Hampshire Association of Chiefs of Police.

23 (6) One representative of the department of transportation, appointed by the
24 commissioner.

25 (7) One representative of the New Hampshire state police, appointed by the director
26 of the state police.

27 (8) One representative of the New Hampshire Off Highway Vehicle Association,
28 appointed by the association.

29 (9) One representative of the New Hampshire Municipal Association, appointed by
30 the association.

HB 1188 - AS AMENDED BY THE HOUSE

- Page 2 -

1 (10) One member representing landowners, appointed jointly by the New Hampshire
2 Timberland Owners Association and New Hampshire Farm Bureau.

3 (11) One representative of the New Hampshire Auto Dealers Association, appointed
4 by the association.

5 (12) One member representing the New Hampshire Society for the Protection of
6 Forests, the Appalachian Mountain Club, and the Nature Conservancy, appointed jointly by those
7 organizations.

8 (13) One representative of the New Hampshire Rail Trail Coalition, appointed by the
9 coalition.

10 (14) Two members of the public, one of whom shall be appointed by the New
11 Hampshire Association of Conservation Commissions, and one of whom shall be appointed by the
12 North Country Council.

13 III. Duties. The commission shall study:

14 (a) Current statutes related to OHRVs, including but not limited to RSA 215-A and
15 RSA 259:108.

16 (b) How the fish and game department, the state police, county sheriffs, and
17 municipal police work together to provide consistency in enforcement of current laws related to
18 OHRVs.

19 (c) Positive and adverse effects of OHRV use on state and town roads, including class
20 5 and class 6 roads.

21 (d) The effects of noise, dust, and careless or reckless behavior of riders on abutters
22 to trails and roads where OHRVs are used.

23 (e) Education and safety requirements for OHRV riders.

24 (f) Positive and adverse effects of OHRV activity upon the state's economy.

25 (g) The impacts of requiring all rental agents to install speed regulating governors
26 on any OHRV provided to members of the general public for temporary use.

27 (h) All other issues related to OHRVs which come before the committee..

28 IV. Chairperson; Quorum. The members of the study commission shall elect a chairperson
29 from among the members. The first meeting of the commission shall be called by the first-named
30 house member. The first meeting of the commission shall be held within 45 days of the effective date
31 of this section. Six members of the commission shall constitute a quorum.

32 V. Report. The commission shall report its findings and recommend proposed legislation to
33 the speaker of the house of representatives, the president of the senate, the house clerk, the senate
34 clerk, the governor, and the state library on or before November 1 of each year.

35 2 Repeal. RSA 215-A:44-a, relative to the OHRV commission, is repealed.

36 3 Effective Date.

37 I. Section 2 of this act shall take effect November 1, 2026.

HB 1188 - AS AMENDED BY THE HOUSE

- Page 3 -

1

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

HB 1188 - AS AMENDED BY THE SENATE

10Mar2022... 0582h
04/28/2022 1691s

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HOUSE BILL **1188**

AN ACT establishing a commission to study OHRV use in the state and clarifying certain towing statutes.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Thompson, Coos 1; Rep. Egan, Graf. 2; Rep. Weston, Graf. 8; Rep. E. Kelley, Coos 3; Rep. Gould, Hills. 7; Sen. Hennessey, Dist 1; Sen. Watters, Dist 4

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This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation. This bill also makes changes to certain statutes related to the removal of abandoned vehicles by the state police.

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22 Hampshire Association of Chiefs of Police.

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12 (14) Two members of the public; one of whom shall be appointed by the New
13 Hampshire Association of Conservation Commissions; and one of whom shall be appointed by the
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16 (a) Current statutes related to OHRVs, including but not limited to RSA 215-A and
17 RSA 259:108.

18 (b) How the fish and game department, the state police, county sheriffs, and
19 municipal police work together to provide consistency in enforcement of current laws related to
20 OHRVs.

21 (c) Positive and adverse effects of OHRV use on state and town roads, including class
22 5 and class 6 roads.

23 (d) The effects of noise, dust, and careless or reckless behavior of riders on abutters
24 to trails and roads where OHRVs are used.

25 (e) Education and safety requirements for OHRV riders.

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28 any OHRV provided to members of the general public for temporary use and the impacts of requiring
29 charging infrastructure near trail heads.

30 (h) All other issues related to OHRVs which come before the committee..

31 IV. Chairperson; Quorum. The members of the study commission shall elect a chairperson
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33 house member. The first meeting of the commission shall be held within 45 days of the effective date
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35 V. Report. The commission shall report its findings and recommend proposed legislation to
36 the speaker of the house of representatives, the president of the senate, the house clerk, the senate
37 clerk, the governor, and the state library on or before November 1 of each year.

HB 1188 - AS AMENDED BY THE SENATE

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2 Repeal. RSA 215-A:44-a, relative to the OHRV commission, is repealed.

3 Removal of Abandoned Vehicles by State Police; Requirements for Placement on the Tow List.
Amend RSA 106-B:30, IV to read as follows:

IV. Any ~~criminal~~ history of *criminal* convictions involving (i) a felony against persons or property involving fraudulent activity, aggravated assaults, *or* sex offenses~~;~~; (ii) burglary, or thefts resulting in a felony conviction within the last 3 years~~;~~; or (iii) a serious or repetitive motor vehicle violation history ~~of any~~ *involving* such individual *or business*, shall be grounds for refusing to place on or removing the *individual or* business from the rotation list.

4 Removal of Abandoned Vehicles by State Police; Liens. Amend RSA 106-B:30, XIII to read as follows:

XIII. The tow business shall provide reasonable accommodations for after-hours release of personal property in stored vehicles or other related storage once the state police releases any hold on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law enforcement shall ~~grant~~ *create* a lien to the tow business, equal to the cost of ~~recovery and storage~~ *impoundment, recovery, transport, and storage*.

5 Removal of Abandoned Vehicles by State Police; Requirements to Remain on the Tow List. Amend RSA 106-B:31, IX to read as follows:

IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said person has been convicted for any felony against persons or property involving fraudulent activity, sex offenses, aggravated assaults, burglary, *or* theft resulting in a felony conviction within the last 3 years. No tow company shall permit any person to drive a wrecker if the person is currently subject to probation, parole restrictions, or *a* court order restricting the area the person may or may not be present in at any time.

6 Removal of Abandoned Vehicles by State Police; Confiscated Vehicles; Impoundment. Amend RSA 106-B:33, II to read as follows:

II. ~~[The towing and storage of the vehicle shall be at the expense of the state police.]~~ The wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an order by the court.

7 Removal of Abandoned Vehicles by State Police; Procedure for Removal and Impoundment. Amend RSA 262:33, II to read as follows:

II. Whenever a vehicle is towed pursuant to *RSA 262:31-a or* RSA 262:32 the owner or other person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle and release of the above lien by payment of all reasonable towing and storage charges. If the owner or other person lawfully entitled to possession of the vehicle wishes to challenge whether there was sufficient grounds for towing and impoundment, he or she may pay over to the custodian of the

HB 1188 - AS AMENDED BY THE SENATE

- Page 4 -

1 vehicle an amount equal to the towing and storage charges to secure the release of such vehicle, and,
2 within 15 days of the towing and impoundment, request in writing a hearing.

3 8 Effective Date.

4 I. Section 2 of this act shall take effect November 1, 2026.

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

CHAPTER 301
HB 1188 - FINAL VERSION

10Mar2022... 0582h
04/28/2022 1691s

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HOUSE BILL **1188**

AN ACT establishing a commission to study OHRV use in the state and clarifying certain towing statutes.

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HB 1188 - FINAL VERSION
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1 (9) One representative of the New Hampshire Municipal Association, appointed by
2 the association.

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4 Timberland Owners Association and New Hampshire Farm Bureau.

5 (11) One representative of the New Hampshire Auto Dealers Association, appointed
6 by the association.

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8 Forests, the Appalachian Mountain Club, and the Nature Conservancy, appointed jointly by those
9 organizations.

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11 coalition.

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13 Hampshire Association of Conservation Commissions; and one of whom shall be appointed by the
14 North Country Council who shall be an abutter.

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17 259:108.

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19 police work together to provide consistency in enforcement of current laws related to OHRVs.

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21 and class 6 roads.

22 (d) The effects of noise, dust, and careless or reckless behavior of riders on abutters to
23 trails and roads where OHRVs are used.

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27 any OHRV provided to members of the general public for temporary use and the impacts of requiring
28 charging infrastructure near trail heads.

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34 V. Report. The commission shall report its findings and recommend proposed legislation to
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36 clerk, the governor, and the state library on or before November 1 of each year.

37 301:2 Repeal. RSA 215-A:44-a, relative to the OHRV commission, is repealed.

CHAPTER 301
HB 1188 - FINAL VERSION
- Page 3 -

1 301:3 Removal of Abandoned Vehicles by State Police; Requirements for Placement on the Tow
2 List. Amend RSA 106-B:30, IV to read as follows:

3 IV. Any [eriminal] history of *criminal* convictions involving (i) a felony against persons or
4 property involving fraudulent activity, aggravated assaults, *or* sex offenses[.]; (ii) burglary, or thefts
5 resulting in a felony conviction within the last 3 years[.]; or (iii) a serious or repetitive motor vehicle
6 violation history [of-any] *involving* such individual *or business*, shall be grounds for refusing to
7 place on or removing the *individual or* business from the rotation list.

8 301:4 Removal of Abandoned Vehicles by State Police; Liens. Amend RSA 106-B:30, XIII to read
9 as follows:

10 XIII. The tow business shall provide reasonable accommodations for after-hours release of
11 personal property in stored vehicles or other related storage once the state police releases any hold
12 on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual
13 agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law
14 enforcement shall [grant] *create* a lien to the tow business, equal to the cost of [~~recovery and~~
15 ~~storage~~] *impoundment, recovery, transport, and storage*.

16 301:5 Removal of Abandoned Vehicles by State Police; Requirements to Remain on the Tow List.
17 Amend RSA 106-B:31, IX to read as follows:

18 IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said
19 person has been convicted for any felony against persons or property involving fraudulent activity,
20 sex offenses, aggravated assaults, burglary, *or* theft resulting in a felony conviction within the last 3
21 years. No tow company shall permit any person to drive a wrecker if the person is currently subject
22 to probation, parole restrictions, or *a* court order restricting the area the person may or may not be
23 present in at any time.

24 301:6 Removal of Abandoned Vehicles by State Police; Confiscated Vehicles; Impoundment.
25 Amend RSA 106-B:33, II to read as follows:

26 II. [~~The towing and storage of the vehicle shall be at the expense of the state police.~~] The
27 wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the
28 trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an
29 order by the court.

30 301:7 Removal of Abandoned Vehicles by State Police; Procedure for Removal and
31 Impoundment. Amend RSA 262:33, II to read as follows:

32 II. Whenever a vehicle is towed pursuant to *RSA 262:31-a or* RSA 262:32 the owner or
33 other person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle
34 and release of the above lien by payment of all reasonable towing and storage charges. If the owner
35 or other person lawfully entitled to possession of the vehicle wishes to challenge whether there was
36 sufficient grounds for towing and impoundment, he or she may pay over to the custodian of the

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1 vehicle an amount equal to the towing and storage charges to secure the release of such vehicle, and,
2 within 15 days of the towing and impoundment, request in writing a hearing.

3 301:8 Effective Date.

4 I. Section 2 of this act shall take effect November 1, 2026.

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

Approved: July 01, 2022

Effective Date:

I. Section 2 effective November 1, 2026

II. Remainder effective July 1, 2022

Amendments

Amendment to HB 1188

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

2

3 AN ACT establishing a commission to study OHRV use in the state and clarifying certain
4 towing statutes.

5

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

7

8 3 Removal of Abandoned Vehicles by State Police; Requirements for Placement on the Tow List.

9 Amend RSA 106-B:30, IV to read as follows:

10 IV. Any ~~criminal~~ history of *criminal* convictions involving (i) a felony against persons or
11 property involving fraudulent activity, aggravated assaults, *or* sex offenses~~[-];~~ (ii) burglary, or thefts
12 resulting in a felony conviction within the last 3 years~~[-];~~ or (iii) a serious or repetitive motor vehicle
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32 RSA 106-B:33, II to read as follows:

Amendment t HB 1188

- Page 2 -

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10 or other person lawfully entitled to possession of the vehicle wishes to challenge whether there was
11 sufficient grounds for towing and impoundment, he or she may pay over to the custodian of the
12 vehicle an amount equal to the towing and storage charges to secure the release of such vehicle, and,
13 within 15 days of the towing and impoundment, request in writing a hearing.

14 8 Effective Date.

15 I. Section 2 of this act shall take effect November 1, 2026.

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

UNAPPROVED

2022-1540s

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2

3 (14) Two members of the public, one of whom shall be appointed by the New
4 Hampshire Association of Conservation Commissions, and one of whom shall be appointed by the
5 North Country Council who is an abutter.

6

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8 following:

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Amendment to HB 1188

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- Page 3 -

2022-1691s

AMENDED ANALYSIS

This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation. This bill also makes changes to certain statutes related to the removal of abandoned vehicles by the state police.

Committee Minutes

**AMENDED ROOM CHANGE
SENATE CALENDAR NOTICE
Transportation**

Sen Regina Birdsell, Chair
Sen David Watters, Vice Chair
Sen Denise Ricciardi, Member
Sen Ruth Ward, Member
Sen Tom Sherman, Member

Date: April 1, 2022

HEARINGS

	Tuesday	04/05/2022
	(Day)	(Date)
Transportation	State House 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. HB 1341	relative to the definition of conviction in motor vehicle laws.	
1:15 p.m. HB 1534	authorizing the use of side exhausts for antique vehicles.	
1:30 p.m. HB 1188	establishing a commission to study OHRV use in the state.	
1:45 p.m. HB 1474	relative to annual vehicle inspections.	
2:00 p.m. HB 1000	prohibiting motorcycle profiling.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1341	Rep. Walsh	Rep. Steven Smith	Rep. Gagne	Rep. Sykes
HB 1534	Rep. Walsh			
HB 1188	Rep. Suzanne Smith	Rep. Thompson	Rep. Egan	Rep. Weston
	Rep. E. Kelley	Rep. Gould	Sen. Hennessey	Sen. Watters
HB 1474	Rep. Steven Smith	Rep. Sheehan	Rep. Burt	Rep. Bordes
	Rep. Harley	Rep. Yakubovich	Rep. Stapleton	
HB 1000	Rep. Steven Smith	Rep. Packard	Rep. Rice	Rep. Osborne
	Rep. Doucette	Rep. Turcotte	Rep. Baroody	Rep. Notter
	Rep. Walsh	Rep. Abbas		

Peter O'Neill 271-4151

Regina Birdsell
Chairman

Senate Transportation Committee
Peter O'Neill 271-4151

HB 1188, establishing a commission to study OHRV use in the state.

Hearing Date: April 5, 2022

Time Opened: 1:30 p.m.

Time Closed: 1:52 p.m.

Members of the Committee Present: Senators Birdsell, Watters, Ricciardi, Ward and Sherman

Members of the Committee Absent: None

Bill Analysis: This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation.

Sponsors:

Rep. Suzanne Smith

Rep. Thompson

Rep. Egan

Rep. Weston

Rep. E. Kelley

Rep. Gould

Sen. Hennessey

Sen. Watters

Who supports the bill: Rep. Suzanne Smith, Rep. Renzulo, Rep. Egan, Rep. Eamon, Sen. Hennessey, Dan Bennett, NH Auto Dealers Association; Richard Parsons, NH Off Highway Vehicle association; Jason Stock NH timberland Owners Association; Matt Leahy, NH Forest Society; Robert Johnson II, NH Farm Bureau Federation; Nisa Marks, NH Audubon; Kris Pastuza

Who opposes the bill: Clarence Skidmore

Who is neutral on the bill: None

Summary of Testimony Presented:

Rep. Suzanne Smith

- HB 1188 forms a five-year study commission to review the statutes for OHRV use and recommendations for potential future legislation.
- 57 bills related to OHRV bills have been signed into law.
- Sales and use have grown exponentially. NH Fish & Game report many accidents and most are due to the inexperience of riders.
- A study commission would reveal the positive and negative effects on the state's economy.
- In August of 2021, a group of stakeholders consisting of Executive Councilor Joe Kenney, legislators, members of law enforcement, NH Bureau of Trails, NHDOT, and the President of the NHOHRV Association brainstormed about what to do regarding OHRV use in the state. Councilor Kenney suggested a long-term study to identify issues. HB 1188 came out of that discussion.
- The bill studies current OHRV statutes. Fish & Game and law enforcement will help to enforce already existing laws in New Hampshire.

- Large studies that took place in the past could have been helpful with OHRV use but those studies required a lot of money so the studies weren't done.
- Rep. Smith said putting Governor's on rental OHRVs could be helpful to help enforce speed limits.
- 18 members would be listed on this commission so that stakeholders and members would be represented. Fish & Game and the NH Auto dealers Association are included as well. Landowners would be represented by the TOA and Farm Bureau.
- Sen. Sherman asked if OHRV use would be limited to the state or if an amendment would be needed to expand use to the state and local economy. There could be a big benefit but with significant push back, like in Gorham. It may be broad enough to incorporate both state and local economies.
 - Rep. Smith said the bill would be broad enough without an amendment.
- Sen. Ward asked how much funding might be needed for this commission.
 - Rep. Smith said she was not sure. There may be legislation that the commission introduces to cost money. There had been studies that are in limbo now due to questions about funding. She said she would need to look into where to get funding.
- Sen. Watters asked if there was an issue about adding a duty to study the need for electric charging infrastructure at trail heads.
 - Rep. Smith said she was not opposed. There were electric OHRVs are available, but they are not used as much.
 - Sen. Watters said the electric charging stations would be good for riders and NHADA.

Rep. Egan

- Rep. Egan testified in support of HB 1188.
- The bill establishes a commission to help protect riders, be respectful to landowners, and good for economy.
- It is important for the safety for riders and the impact on the industry. This is better done under a commission.
- It would help Fish & Game create a safety program that educates riders to be better prepared when riding OHRVs.
- Law enforcement division of Fish & Game, NH Auto Dealers, and the NH Snowmobile Association agreed that a commission could outline what is needed for further legislation and assist with safety issues.

Abby Evankow, Gorham resident

- Mrs. Evankow thanked Rep. Smith for introducing the bill.
- It is important for stakeholders to have a voice but there is no voice for abutters to OHRV trail properties. Having one seat for a year-round landowner should be necessary when talking about stakeholders.

- There are three seats given to the OHRV lobby. That is out of line for how NH residents and out of state visitors who use the trails.
- From the New Hampshire business review, 350,000 residents hike or walk, 240,000 bike, 225,000 paddle, 140,000 fish, and 50,000 hunt compared to the yearly OHRV registration of 36,000. OHRV use is the smallest of the trail users.
- Giving 3 of the 18 seats to the OHRV users makes the commission unbalanced.
- The statewide comprehensive outdoor recreation plan lists the most popular activities as running, fishing, cycling, hiking, and camping. OHRV usage is not in the top five most popular activities.
- Sen. Birdsell said when looking at the amended version of by the house, one member is appointed jointly by the NH Timberland Owners Association and NH Farm Bureau, one member of the public appointed by the NH Association of conservation commission and one appointed by the North Country Council, couldn't those three be equated to be made sure that they were made into seats for abutters.
 - Mrs. Evankow said if it was specified, yes. However, right now, you can be a member of the Timberland Association and not live on the class VI road. The Timberland and Farm Association are different than homeowners.
- Sen. Sherman asked who the best would be to pick for an abutter. Would a singular group be able to pick someone.
 - Mrs. Evankow said that she appreciated not having the size of the commission bigger than it already is. The North Country Council may be an option to pick an abutting residential homeowner, but she wasn't sure.

Richard Parsons, Representing NH Off Highway Association

- Supportive of the bill and it is important to pass the bill.
- HB 1182 was a previous commission to take a look at OHRVs but it wasn't nearly enough time. A 5-year commission is the best approach.
- Electric vehicle charging stations being added is appropriate. Many in the industry see electric OHRVs as the future.
- Issues with the number of membership had come up and 18 members can be difficult. Having an odd number might be better.

Matt Leahy, Policy Director of the Society for the NH Forest

- Mr. Leahy supports the bill.
- He said he viewed the bill as a good forum for different interested parties.
- It would allow a comprehensive look at long-term issues with OHRV usage.

PJO
Date Hearing Report completed: April 7, 2022

Senate Transportation Committee

Peter O'Neill 271-4151

Amendment 1573s to HB 1188, establishing a commission to study OHRV use in the state.

Hearing Date: April 19, 2022

Time Opened: 1:06 p.m.

Time Closed: 1:12 p.m.

Members of the Committee Present: Senators Birdsell, Watters, Ricciardi and Ward

Members of the Committee Absent : None

Bill Analysis: This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation.

Sponsors:

Rep. Suzanne Smith

Rep. Thompson

Rep. Egan

Rep. Weston

Rep. E. Kelley

Rep. Gould

Sen. Hennessey

Sen. Watters

Who supports the bill: Sen. Birdsell, Sen. Hennessey, John Hennessey, NHSP

Who opposes the bill: None

Who is neutral on the bill: None

Summary of Testimony Presented:

Sen. Birdsell

- The amendment is to address language that the state police had brought up. The police interpreted the language that the NHSP would be responsible to pay the towing fees.
- The amendment cleans up the language on the towing bill.
- Section IV would now say "history of criminal convictions" and renumbers the bill accordingly.
- Instead of recovery and storage, the amendment now says impoundment, recovery, transport, and storage.
- The biggest change is on page 2, II. It strikes "the towing and storage of the vehicle shall be at the expense of the state police."

- The RSA is now changed to RSA 262:31-a
- Sen. Birdsell spoke with the sponsor to make sure they were okay with the amendment.

Captain John Hennessey, Field Commander of the NH State Police

- Captain Hennessey outlined some changes that the state police would like.
- Captain Hennessey wanted the language of section 4 and section 9 regarding the state police tow list to mirror each other when it came to criminal records, drivers, and business owners.
- NHSP is towing and storing vehicles and the cost being incurred by the state police would be concerning.
- Captain Hennessey said the NHSP would be towing vehicles in the interest of public safety. Anywhere from 100 to 1000 vehicles are towed per year and the NHSP would be bankrupt if the NHSP was responsible for all of the towing.
- Sen. Birdsell said there were certain criteria that the NHSP is still responsible.
 - Captain Hennessey said that would be in certain circumstances. It would be in search of crime with a search warrant or looking for criminal evidence. The NHSP would handle that cost instead of bringing the vehicle to a towing impoundment facility.

PJO
Date Hearing Report completed: April 20, 2022

Speakers

SENATE TRANSPORTATION COMMITTEE

Date 04/19/22

Time 1:00 p.m.

Public Hearing on **HB 1188 Amendment 1540s**

(Relative to the issuance of safe boater education certificates.)

Please check box(es) that apply.

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

John Hennessy

NH State Police

Testimony

Peter O'Neill

From: Jasen Stock <jstock@nhtoa.org>
Sent: Wednesday, April 20, 2022 6:06 PM
To: Peter O'Neill; Regina Birdsell
Cc: Richard M. Parsons
Subject: HB 1109 OHRV travel on class 4, 5, or 6 roads

Senator Birdsell,

Thank you for being the catalyst on this issue.

Richard and I spent some time today working on a compromise for House Bill 1109. This is the off highway recreational vehicles use on class IV, class V, and class VI roads bill.

I used your amendment (amend. # 2022-1541s) as the base. The proposed changes are below.

In drafting this we focused on the property access issue I testified on at the public hearing. Our rationale for focusing on this issue recognizes HB 1188, the OHRV study bill, will look at bigger picture issues (i.e., the approval process for new trails on roads, etc.). This amendment will give immediate relief (recognizing the HB 1188 study is a 4-year process) to abutting landowners losing access to their property due road damage and gives towns another tool for managing their roads.

We removed the reference to damage on the abutter's property as that is handled in existing statute. This is something the NHTOA worked on in 2017, with the modification of RSA 215-A:19, X where individuals damaging private property are obligated to restore the property and could be subject to treble damages.

We kept your original enabling language (uses the term "may adopt"). This does two things. It obligates the landowner to prove to the selectmen the road is being damaged, and action must be taken. Second, it avoids any question of mandates/infringements on municipal authority.

As mentioned above, this amendment gives the town a tool to limit damage to the road during sensitive times of the year (i.e., mud season). More importantly, because this is not changing the designation or use of a road, which requires a public hearing, this tool can be deployed quickly if a road is being damaged. This tool can also be limited in scope (i.e., limiting access during mud season). This bill also gives landowners a clear pathway to seek protection of a road.

Lastly, because a landowner can still access their property, this does not conflict with existing road law and preserves a landowner's right to access their property. If a landowner does access their property and damages the road, there are already laws in place for the town to seek repairs against that landowner.

Please call or email me if you have any questions.

New amendment language

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

AN ACT relative to the authority of a city or town to limit the use or operation of an OHRV on certain ways.

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

1 Operation of All OHRVs; OHRV Operation on Sidewalks, Class IV, Class V, and Class VI Roads. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. **If an abutter can show damage or deterioration to such a road that limits their ability to access their property resulting from recreational use, the governing body of the city or town may adopt regulations to close or limit the operation or use of a way in order to mitigate damage or deterioration.** Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

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

Jasen A. Stock
Executive Director
New Hampshire Timberland Owners Association
54 Portsmouth St.
Concord, NH 03301
603-224-9699 (office)
603-674-8148 (cell)
www.nhtoa.org



New Hampshire Off Highway Vehicle Association

TESTIMONY IN SUPPORT OF HB 1188

APRIL 5, 2022

To Madame Chair Birdsell and Members of the Transportation Committee,

The New Hampshire Off Highway Vehicle Association represents 28 OHRV clubs in the state. It's Officers and Directors are volunteers from each OHRV Club representing the interests of riders and operators of all types of off highway vehicles such as ATVs, Trail Bikes, Side by Sides, UTVs, 4x4 Trucks – Jeeps and even Railroad Cars. We are here today in support of HB 1188 which would establish a commission to study OHRV use in the state.

We would like to thank Representative Suzanne Smith for introducing this bill which came out of work sessions on HB 446 last year and to continue and expand upon the work done by the HB 1182 study commission. As we have seen with other bills introduced, many of these OHRV matters are very complicated and deserve to be fully vetted. We believe this study commission can do that.

While we appreciated the work of the HB 1182 study commission, we believe this is a more targeted approach which will look specifically at OHRV use only. A majority of state trails are on private land and it is important we continually are examining the current structure to ensure the OHRV tourism industry can continue to thrive in the future. We also appreciate the commission taking place over 5 years to help ensure this discussion continues and can evolve with the industry.

One suggestion we would make is to amend the membership to not have an even number of members as it currently does at 18. We realize many groups asked to be added to the group in the House but believe an odd number would be beneficial when taking votes on potential recommendations. We would be more than happy to discuss possible ideas with committee members.

We urge the committee to vote this bill Ought to Pass. If this passes, we look forward to serving on the study commission and continuing to make certain OHRV tourism is able to continue to grow in a way that best allows for long term sustainability for all interests in the state.

Thank You,
Buddy Dionne
NHOHVA President



April 5, 2022

54 Portsmouth Street
Concord, NH 03301

Tel. 603.224.9945
Fax 603.228.0423

info@forestsociety.org
www.forestsociety.org

The Honorable Regina Birdsell, Chairwoman
Committee on Transportation
New Hampshire Senate, LOB 101
Concord, NH 03301

Dear Madame Chairwoman and Members of the Committee:

Thank you for this opportunity to submit testimony in support of House Bill 1188, legislation establishing a commission to study OHRV use in the state.

The Forest Society does not host ATV trails on land that we own, due to the damage they can cause to the soils and root systems that enable tree growth as well as to the network of hiking trails on our properties. However, we also recognize the increased use of OHRVs are viewed as an important part of the State's tourism economy, especially in the North Country.

This growth has raised concerns among other groups regarding the effect the increased use is having on landowners living near popular trails in addition to those to natural resources. Unfortunately, the disagreements between users and non-users over those issues is not serving either side well. Given these on-going conflicts, we believe now is the time for the State to initiate an overarching review of the OHRV system. The passage of this legislation will accomplish that step.

In our view, it is possible to find common ground among all of those with a stake in this discussion, including OHRV enthusiasts, landowners, communities impacted by OHRV activity, other non-motorized recreationists who use trails, and communities and businesses seeking the economic reward of hosting OHRV trails.

Reaching this common ground will require good planning, ongoing effective communication among a wide variety of interested stakeholders, effective education of OHRV riders, a process for resolving specific conflicts when they arise, and visible law enforcement. We support HB 1188 because it will establish the framework that we believe will lead to those outcomes.

Thank you again for this opportunity to express our support. Please let me know if you have any questions.

Sincerely,

Matt Leahy, Public Policy Director
Society for the Protection of New Hampshire Forests

NH FISH AND GAME reports on Facebook - September 2021 crash reports

Multiple People Injured in ATV Rollovers in Berlin and Gorham

Berlin/Gorham-- On **Saturday September 11, 2021**, NH Fish and Game responded to three separate ATV and UTV rollovers in the course of three hours. Two crashes occurred in Jericho State Park in Berlin and the final one occurred on the Presidential Rail Trail in Gorham.

The first incident occurred at approximately 11:30 on Brook Road in Jericho State Park. Michael Ryan, 31 of Gloucester, MA was operating his rental ATV on Brook Road, 2nd in a group of three rental machines. He came around a downhill corner on Brook Road and hit his brakes, causing him to lose control of his machine, which rolled over and pinned him against the ground.

After a 911 call was placed, an emergency response was initiated by Berlin Fire and EMS and NH Fish and Game Conservation Officers. Upon evaluating his injuries, first responders determined that Ryan needed more urgent immediate care, and so a call to the Dartmouth-Hitchcock Advanced Response Team (DHART) helicopter was placed and they responded to pick up Ryan at Androscoggin Valley Hospital after he was transported there by Berlin Ambulance. He was later transported by DHART helicopter to Dartmouth-Hitchcock Medical Center in Lebanon with serious injuries.

After interview of the riding party and Ryan himself, unreasonable speed and inexperience are considered the primary factors in the crash. Ryan admitted to officers that he had been operating too quickly before he crashed.

The second crash that Fish and Game responded to occurred around 2:00 PM on Moose Road in Jericho State Park. Nicole Levesque, 36, of Milton, NH was following another ATV on Moose Road. According to witnesses and evidence at the scene, Levesque got the wheels of her ATV caught in a rut in the trails which caused her to get pushed into a ditch where the machine rolled over onto her causing a severe injury. Another ATV operator from a different party found Levesque and called 911.

An emergency response consisting of Berlin Fire and EMS and a Conservation Officer was initiated. After evaluation of Levesque's injuries, it was determined that once again, they would need to get her to more immediate urgent care, so responders requested that the DHART helicopter respond. Levesque was transported from the scene to Androscoggin Valley Hospital by Berlin Ambulance, where she was picked up by the DHART helicopter for transport to Dartmouth Hitchcock Medical Center.

Investigators consider operator inexperience to be the primary cause of this crash.

Upon clearing the previous crash scene, the Conservation Officer was immediately notified of another ATV rollover, this time on the Presidential Rail Trail in Gorham. Gorham Fire and Rescue and the Conservation Officer rushed to the scene to assist the patient, identified as Henry Sanschagrín, 74, of Gorham, NH.

It was determined that Sanschagrín was operating his UTV on the rail trail and decided to pull off the side of the trail to let another ATV pass. While doing this he accidentally pulled too far to the right which caused his UTV to roll over down an embankment.

Oncoming ATVs stopped to assist Sanschagrín and his wife, who was in the passenger seat, and called 911. Sanschagrín and his wife were transported to Androscoggin Valley Hospital for evaluation for any injuries by Gorham Fire and Rescue.

The final crash of the day occurred on Farr Road in Pittsburg when an ATV operator identified as Karen Lane, 59, of Jaffrey, NH rolled her ATV over, reportedly to prevent hitting a gate. Due to the fact that there were three other ATV crashes, plus a SAR rescue mission going on and only 3 Conservation Officers on duty in Coos County, they did not respond to this crash. Pittsburg PD assisted by covering this crash. Lane was transported to Upper Connecticut Valley Hospital in Colebrook, where DHART was called to transport the patient. Speed and inattention are the contributing factors in this crash.

Investigators do not consider alcohol or drug intoxication a factor in any of these crashes. NH Fish and Game would like to remind operators to always operate within their limits and obey all posted speed limits and slow down while enjoying New Hampshire's numerous ATV trails.

UTV Crash with Injury in Berlin

Berlin – On the afternoon of Friday, September 10, 2021, a New York man sustained significant injuries after rolling over his rented UTV in a sand pit beside Brook Road in Jericho Mountain State Park.

It was determined that at approximately 2:45 PM, Joseph Egenberger, 43, of Rocky Point, NY lost control after accelerating into a right turn within a sand pit. As Egenberger attempted to navigate a sloped section of the turn, the UTV rolled onto its side. Egenberger sustained injuries in the rollover crash and a 911 call was immediately placed from the scene to request medical assistance.

A response from Berlin Fire Department, Berlin EMS and Conservation Officers began. Berlin Fire Department and EMS personnel responded into the scene utilizing their UTV and ATV. Egenberger was assessed and subsequently transported from the crash scene via UTV to an awaiting Berlin EMS Ambulance. He was then transported to Androscoggin Valley Hospital for further evaluation and treatment of his injuries. Concluding an investigation of the crash, Conservation Officers believe the primary factor of the crash to have been excessive acceleration. Egenberger was ultimately issued a summons for operating an OHRV to endanger.

Good morning. Chairperson Birdsell & the Senate Committee on Transportation

If here to speak in support of HB 1188 because establishing a commission to study OHRV use in the state is paramount to respecting out landowners, protecting our riders and promoting tourism economy in a logical manner.

An example of why a Commission is needed, at my recommendation earlier this House Session I had my HB 1498 (relative to establishing a safety training program for off highway recreational vehicles and snowmobiles) before the Committee on Resources Recreation and Development. We were all in complete agreement with a 21-0 vote of Interim Study in establishing a safety program for off highway recreational vehicles and snowmobiles, as the importance of safety for riders and impact on the industry needs to be refined in the bill's execution of safety program activations. A Commission could do that utilizing all stakeholders to best benefit NH.

The Fish & Game department touches many NH resident and visitors who are outdoor enthusiasts with motorized vehicles, enjoying all four of our seasons. And the ability to have riders be better prepared when the riding on new trails or in new riding territories, is essential to helping F&G manage their ridership. A safety program will go a long way in serving this community with increased safety and education. HB 1498 was developed in consultation with the Law Enforcement Division of Fish & Game, the NHOHRV Assoc. and the NH Snowmobile Assoc. The the Fish & Game Director would use a Commission outlined in HB 1188 to hold a series of meetings with the community, industry and the Committee to determine what is needed for further legislation.

With your support of HB 1188, a Commission to Study OHRV's can address safety issues that could be better studied, dealt with in along with other pending legislation and receive further agency AND industry input. Thank You

*Rep. Timothy T. Egan
Grafton #2*

Voting Sheets

Transportation Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 1188

Hearing date: _____

Executive Session date: 4/19/22

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Committee amendment Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Ward

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, April 19, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 1188**

AN ACT

establishing a commission to study OHRV use in
the state.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1691s

Senator Ruth Ward
For the Committee

Peter O'Neill 271-4151

TRANSPORTATION

HB 1188, establishing a commission to study OHRV use in the state.

Ought to Pass with Amendment, Vote 4-0.

Senator Ruth Ward for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB1188

Docket Abbreviations

Bill Title: (New Title) establishing a commission to study OHRV use in the state and clarifying certain towing statutes.

Official Docket of HB1188.:

Date	Body	Description
11/17/2021	H	Introduced 01/05/2022 and referred to Resources, Recreation and Development
2/2/2022	H	Public Hearing: 02/02/2022 2:30 p.m. LOB305-307
2/9/2022	H	Executive Session: 02/09/2022 10:00 a.m. LOB305-307
2/14/2022	H	Committee Report: Ought to Pass with Amendment #2022-0582h (Vote 21-0; CC)
3/11/2022	H	Amendment #2022-0582h: AA VV 03/10/2022 HJ 5
3/11/2022	H	Ought to Pass with Amendment 2022-0582h: MA VV 03/10/2022 HJ 5
3/16/2022	S	Introduced 02/24/2022 and Referred to Transportation; SJ 5
3/30/2022	S	===ROOM CHANGE=== Hearing: 04/05/2022, Room 103, SH, 01:30 pm; SC 14
4/14/2022	S	Hearing: 04/19/2022, Room 101, LOB, 01:00 pm, on proposed amendment #2022-1540s; SC 16
4/21/2022	S	Committee Report: Ought to Pass with Amendment #2022-1691s, 04/28/2022; SC 17
4/28/2022	S	Committee Amendment #2022-1691s, AA, VV; 04/28/2022; SJ 10
4/28/2022	S	Ought to Pass with Amendment 2022-1691s, MA, VV; OT3rdg; 04/28/2022; SJ 10
5/13/2022	H	House Concurs with Senate Amendment (Rep. Harb): MA VV 05/12/2022 HJ 13
6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
7/7/2022	H	Signed by Governor Sununu 07/01/2022; Chapter 301; I. Sec2 eff. 11/01/2026 II. Rem eff. 07/01/2022 HJ 14

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1188

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 15409 - amendment # 15758

- amendment # 16915 - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Peter O'Neill
Committee Aide

6/7/2022
Date

Senate Clerk's Office _____