

**HB 2-FN-A-LOCAL - VERSION ADOPTED BY BOTH BODIES**

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06/03/2021 1816s  
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2021 SESSION

21-1082  
08/10

HOUSE BILL

***2-FN-A-LOCAL***

AN ACT                    relative to state fees, funds, revenues, and expenditures.

SPONSORS:            Rep. Weyler, Rock. 13; Rep. L. Ober, Hills. 37; Rep. Edwards, Rock. 4; Rep. Umberger, Carr. 2

COMMITTEE:          Finance

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AMENDED ANALYSIS

This bill:

1. Requires the judicial branch to reimburse the sheriff's offices for costs of court security and prisoner custody and control, within available funds appropriated by the legislature, and requires remote technology whenever possible.
2. Makes a transfer of unexpended funds to the state heating system savings account.
3. Eliminates the bureau of planning and management functions and moves such functions to the division of plant and property.
4. Establishes the graphic services fund in the department of administrative services.
5. Consolidates human resources and payroll functions in the department of administrative services.
6. Repeals the memorandum of understanding with the commissioner of the department of health and human services for the purpose of delineating the functions to be assumed by the department of administrative services.
7. Extends the date on which an appropriation to the department of administrative services for scheduling software lapses.
8. Directs the payment of state employee medical benefits payments from the retirement system.
9. Enables the supreme court to transfer funds.
10. Provides for the state to reimburse the sheriff's offices for court security for the biennium.

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11. Enables the sale of the lakes region facility in Laconia.
12. Requires the commissioner of the department of health and human services to make quarterly reports on the status of estimated Medicaid payments in relation to actual costs.
13. Suspends congregate housing and services and the foster grandparent program for the biennium ending June 30, 2023.
14. Establishes the emergency services for children, youth, and families fund and eliminates certain parental reimbursements.
15. Prohibits the distribution of state funds awarded by the department of health and human services to a reproductive health care facility for provision of abortion services, and prohibits a health care provider from performing an abortion if the gestational age of the fetus is at least 24 weeks unless there is a medical emergency.
16. Makes an appropriation to the department of health and human services for streamlining agency operations.
17. Requiring the commissioner of the department of health and human services to submit an amendment to the Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals for the biennium.
18. Enables the department of military affairs and veterans services to provide support for veterans' mental health and preventing social isolation.
19. Transfers the controlled drug prescription health and safety program to the department of health and human services.
20. Suspends revenue sharing with cities and towns for the biennium.
21. Enables the liquor commission to process merchant cards.
22. Enables the department of education to accept gifts, contributions, and bequests for the New Hampshire scholars program.
23. Provides for increased education grants to bring the state into compliance with the American Rescue Plan Act of 2021 .
24. Makes transfers to the education trust fund.
25. Makes an appropriation from the education trust fund to the department of education to fund operating costs for a student data collection and reporting system.
26. Authorizes expenditures for energy efficient school buses.
27. Establishes the position of director of intergovernmental affairs in the department of business and economic affairs.
28. Repeals the bureau of film and digital media.
29. Suspends the crediting of meals and rooms tax revenue to the division of travel and tourism.
30. Enables the department of corrections to transfer funds.
31. Changes the approval threshold for contracts set by the governor and council manual of procedures.

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32. Prohibits the dispersing of state aid grants for certain new infrastructure projects in the department of environmental services.
33. Renames the divisions of the office of professional licensure and certification and establishes pharmacy compliance investigator positions within the office.
34. Makes an appropriation to the New Hampshire Internet crimes against children fund.
35. Makes an appropriation to the FRM victims recovery fund and removes the prospective repeal of the fund.
36. Provides for transfer of funds to the revenue stabilization reserve account based on the most recently completed fiscal biennium.
37. Makes an appropriation to the department of health and human services for the purpose of funding one-time maintenance of the Medicaid management information system.
38. Reduces the tax rate of, and in 2027 eliminates, the interest and dividends tax.
39. Reduces the tax rate of the meals and rooms tax.
40. Establishes the meals and rooms municipal revenue fund for the distribution of meals and rooms tax revenues by the state treasurer to towns, cities, and places.
41. Increases the filing threshold for the business enterprise tax and reduces the rate of the tax; and reduces the rate of the business profits tax.
42. Limits the amount of the credit allowed against overpayment of the business profits tax and the business enterprise tax and establishes a commission to study limiting the business tax credit carry over.
43. Allows the New Hampshire veterans' home to transfer funds within accounting units for the biennium ending June 30, 2023.
44. Revises the procedure for compensation for loss of agricultural products or livestock due to bears.
45. Authorizes the department of information technology to fill unfunded positions.
46. Modifies the composition and operation of the adult parole board and permits remote meetings during a pandemic or other declared state of emergency.
47. Requires employer pro rata payments to the workers' compensation administration fund to be based on the preceding calendar year ratios and amends the payment of per diems to workers' compensation appeals board members.
48. Amends the unemployment compensation fund balance necessary to trigger increases or decreases in employer contributions to the fund and repeals the emergency surcharge power of the commissioner of the department of employment security.
49. Imposes liability on any person who renders any highway unsuitable for public travel, including full and current replacement cost.
50. Provides that proceeds from a sale that results from money provided by the highway fund for payback of real property purchased with federal funds shall be credited to the department of transportation for the purpose of meeting federal obligations or reimbursing the highway fund for payment of federal obligations.

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51. Adds definitions relating to small unmanned aircraft and small unmanned aircraft systems to the New Hampshire aeronautics act.
52. Amends an appropriation to the department of transportation for the 2018 fiscal year and provides that it lapse to the highway fund and be expended for the purpose of funding state red list bridge projects.
53. Establishes a body-worn and dashboard camera fund and makes appropriations; establishes a classified business administrator I position in the department of safety; and establishes a commission to develop recommendations for legislation to establish a single, neutral, and independent statewide entity to receive complaints alleging misconduct regarding all sworn and elected law enforcement officers.
54. Requires the department of safety, in collaboration with the department of administrative services, to establish standards for radio infrastructure-related hardware, computers, software, related licenses, media, documentation, support and maintenance services.
55. Establishes within the department of justice an unclassified position of director of diversity and community outreach.
56. Authorizes the judicial council to request additional funding expenditures for termination of parental rights services that are greater than amounts appropriated in the operating budget.
57. Moves the governor's scholarship program and fund from the office of strategic initiatives to the college tuition savings plan and authorizes the college tuition savings plan advisory commission to transfer funds between the governor's scholarship fund and the New Hampshire excellence in higher education endowment trust fund.
58. Transfers the regulation of audiologists and hearing aid dealers to the governing board of speech language pathology.
59. Establishes the department of energy, to govern energy and utilities matters, and have oversight on matters under the public utilities commission.
60. Administratively attaches the public utilities commission to the department of energy and makes corresponding changes to existing laws relating to the organization and duties of the public utilities commission to reflect this change.
61. Transfers certain duties from the public utilities commission to the department of energy.
62. Adds the commissioner of the department of energy to the New Hampshire site evaluation committee.
63. Requires that the department of energy advocate for New Hampshire in regional activities concerning competitive electricity suppliers.
64. Requires that the department of energy require electric and gas utilities to operate an online energy data platform and, in conjunction with the public utilities commission, implement a statewide electric utility restructuring plan.
65. Requires the bank commissioner to charge the public deposit investment pool for actual costs incurred by the banking department to operate the pool.
66. Removes the consideration of weighted apportionment factors under the business profits tax from inclusion in the tax expenditure report and includes the regional career and technical education center tax credit.

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67. Allowing the department of employment security to participate in a department of labor information hub to combat fraud and waste.
68. Establishes and describes a right to freedom from certain types of discrimination based on age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin in public workplaces and education.
69. Requires violations of the governor's emergency orders regarding the Covid-19 pandemic to be reversed.
70. Creates a database for animal records; renames animal health certificates as certificates of transfer; authorizes the commissioner of the department of agriculture, markets, and food to transfer money to and from certain funds in order to establish the animal record database and to repay monies transferred from other funds; and establishes a position in the department of information technology for the building and management of the animal records database.
71. Establishes the dual and concurrent enrollment program in the community college system of New Hampshire and amends the administrative responsibilities for the program.
72. Makes an appropriation to the community college system of New Hampshire for the dual and concurrent enrollment program.
73. Increases the limit on the amount of the annual grant for leased space provided to a chartered public school.
74. Requires the department of education to develop and maintain a 10-year plan for school building grant projects.
75. Provides that the amount necessary to fund kindergarten adequate education grants shall be appropriated from the education trust fund; authorizes the governor to draw a warrant to eliminate a deficit if the balance in the education trust fund falls below zero; and makes an appropriation to the department of education for fiscal year 2020 kindergarten funding.
76. Provides that members-at-large are included as representatives of the same town as a deceased member of a school planning committee for the purpose of filling vacancies.
77. Makes an appropriation to the department of transportation for the highway and bridge betterment program and the acquisition of fleet vehicles.
78. Makes an appropriation to the department of education for school building aid payments to school districts and suspends the cap on school building aid grants for the biennium ending June 30, 2023.
79. Reduces the amount of education tax revenue to be raised for the 2023 fiscal year.
80. Requires the department of health and human services to fund employment-related child care services without a wait list and to provide enrollment-based reimbursement to certain child care providers for the fiscal year ending June 30, 2022 without using general funds.
81. Makes an appropriation to the department of health and human services to operate the Sununu youth services center and closes the Sununu youth services center in 2023.
82. Establishes a committee to develop a plan for the closure and replacement of the Sununu youth services center.
83. Limits further expansion of the closed loop referral system by the department of health and human services pending review of the system by the legislative oversight committee on health and human services.

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84. Allows political subdivisions to treat funds received pursuant to the American Rescue Plan Act of 2021 as unanticipated revenue under RSA 31:95-b.

85. Established salaries and salary schedules for certain state officers, and classified and unclassified state employees.

86. Provides that positions in state government which become available as a result of reorganization or downsizing of state government be filled, if possible, by laid off state employees.

87. Establishes procedures and rulemaking for executive branch employee annual leave, sick leave, transfer credit, and terminal pay.

88. Abolishes classified full-time positions which were vacant prior to July 1, 2018 and remain vacant as of July 1, 2021.

89. Makes an appropriation to the department of agriculture, markets, and food to fund the cost of care fund; establishes a disease data manager position in the department and makes an appropriation for the position.

90. Establishes the unclassified position of assistant attorney general in the department of justice.

91. Creates the National Guard enlistment incentive program and makes an appropriation therefor.

92. Establishes the positions of director of life and health and director of property and casualty within the insurance department.

93. Makes an appropriation to the business finance authority to provide grants to regional economic development corporations.

94. Makes an appropriation to the affordable housing fund.

95. Makes limitations on the grant in aid program administered by the bureau of trails, division of parks and recreation, in the department of natural and cultural affairs for OHRV trails.

96. Makes an appropriation to the Hampton Beach area commission for environmental master plan updates.

97. Appropriates funds to the department of safety for overtime costs at the state forensic laboratory; to the state police for narcotics-related enforcement; and to disburse grants to county and local law enforcement agencies for the purpose of funding overtime costs for county and local law enforcement officers performing law enforcement activities attributable to the substance abuse enforcement program.

98. Appropriates funds to the fire standards and training and emergency medical services fund for the 2022 and 2023 fiscal years, and to the department of safety, division of fire standards and training and emergency medical services, to fund additional part-time instruction or increase the tuition discount for certain emergency service personnel.

99. Transfers funds from the general fund to the highway fund.

100. Appropriates \$7,000,000 to the department of transportation for the Conway Bypass right-of-way payback to the federal highway administration.

101. Directs the commissioner of the department of transportation to remove toll booths on exit 10 in Merrimack.

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102. Appropriates \$3,250,000 to the department of transportation for a project in Tilton.
103. Makes an appropriation to the department of transportation for matching grants.
104. Extends a prior appropriation to the department of health and human services for child welfare behavioral health services.
105. Requires that the New Hampshire 10-year mental health plan include a report on implementation of 2019, 44 (SB 14), relative to child welfare.
106. Establishes positions in the department of health and human services contracts and procurement unit and makes an appropriation for this purpose.
107. Requires the department of health and human services to implement SNAP health incentive programs and makes an appropriation to the department for this purpose.
108. Extends the prospective repeal relative to the waitlist for community mental health services.
109. Adds an exception for rulemaking by the department of health and human services for cost of living adjustments in social security benefits contained within the Social Services Block Grant program.
110. Continues the suspension of RSA 151-E:18, regarding presumptive eligibility for long-term care home and community-based services, from HB 4, Chapter 346:69 Laws of 2019.
111. Establishes a committee to study parity in reimbursement among organizations that provide Social Security Act waiver programs.
112. Makes an appropriation to fund transitional housing beds and to increase rate paid for transitional housing beds, and allows funds appropriated in 2019 to be used to for these purposes.
113. Restricts a portion of rural health and primary care funding for the state loan repayment program.
114. Changes the lapse period for certain funds appropriated to the department of health and human services, division of Medicaid services and requires such funds to be treated as restricted revenue.
115. Makes an appropriation to the department of health and human services for the construction of a forensic psychiatric hospital.
116. Provides that certain waiver/nursing facility funds shall be treated as restricted revenue for funding expenditures for waiver/nursing facilities-county participation.
117. Provides that the home visiting program shall be available to all Medicaid eligible pregnant women, infants, and families with children up to age one.
118. Suspends graduate medical education payments for the biennium ending June 30, 2023.
119. Makes a supplemental appropriation to the department of health and human services for juvenile diversion programs and provides that the department of health and human services shall establish procedures for administration of the state-funded programs.
120. Limits the home visiting program to available appropriations for the biennium ending June 30, 2023.

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121. Suspends certain income eligibility standards for in-and-out medical assistance for the biennium ending June 30, 2023.
122. Allows the department of health and human services to accept and expend additional federal funds with the prior approval of the fiscal committee for the Medicaid to schools program.
123. Makes an appropriation to the department of health and human services to provide grants to senior centers or other organizations serving senior citizens.
124. Makes an appropriation to the veterans' home.
125. Makes an appropriation to the governor's scholarship fund.
126. Establishes the education freedom account program which permits the treasurer to transfer adequate education grants, plus any differentiated aid that would have been provided to a public school, to a scholarship organization for disbursement to parents to be used for certain educational purposes; appropriates the funds authorized under this program from the education trust fund; and authorizes the comptroller to transfer funds from the general fund to eliminate any deficit in the education trust fund created by the payment of grants or transfers of funds under the program.
127. Modifies the law on the operation and funding of the Woodsville fire district and directs that appropriations to the Woodsville fire district shall be as directed by warrant articles duly voted at each annual Haverhill town meeting.
128. Establishes a COVID-19 micro enterprise relief fund.
129. Provides for the support and promotion of New Hampshire's live performance industry by the council on the arts.
130. Appropriates funds to the department of health and human services for community collaboration and parental assistance programs.
131. Makes additional appropriations to the department of health and human services for child protective service workers.
132. Provides that new businesses affected by the COVID-19 pandemic will be eligible for federal relief funds.
133. Makes an appropriation to the civil air patrol.
134. Provides for mileage reimbursement for member of the house of representatives for attendance in Bedford.
135. Authorizes the office of the legislative budget assistant to conduct a comprehensive review of the medical insurance subsidy trust account.
136. Establishes the broadband matching grant initiative and fund in the department of business and economic affairs.
137. Modifies the termination procedures and emergency power of the governor for a state of emergency, and requires approvals by the fiscal committee of the general court in certain instances.
138. Requires the department of justice to reduce state general fund appropriations for the fiscal year ending June 30, 2023.
139. Establishes the granite state paid family leave plan.



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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 One*

AN ACT relative to state fees, funds, revenues, and expenditures.

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

1 1 Reimbursement of Sheriff's Offices. Amend RSA 104:31, X-XI to read as follows:

2 X. ***The judicial branch shall incorporate remote technology whenever possible to***  
3 ***minimize the amount of physical transportation and security time associated with court***  
4 ***hearings.***

5 XI. The [state] ***judicial branch*** shall reimburse the sheriff's office for court security,  
6 within available funds appropriated by the legislature, \$80 for each full day and \$40 for each half  
7 day, plus traveling expenses to attend any official business, for any person employed as a bailiff by  
8 the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a  
9 bailiff works 4 hours or less. The [state] ***judicial branch*** shall reimburse the counties, within  
10 available funds appropriated by the legislature, for all costs associated with employing court bailiffs,  
11 if those costs are the result of job requirements imposed by federal and state governments.

12 ~~XI~~ XII. The [state] ***judicial branch*** shall reimburse the sheriff's office for prisoner  
13 custody and control, within available funds appropriated by the legislature, \$65 for each full day and  
14 \$35 for each half day, plus traveling expenses to attend any official business, for any person  
15 employed as a sheriff for prisoner custody and control. For the purpose of this paragraph, a half day  
16 shall be defined as a day in which a sheriff works 4 hours or less. The [state] ***judicial branch*** shall  
17 reimburse the counties, within available funds appropriated by the legislature, for all costs  
18 associated with employing sheriffs, if those costs are the result of job requirements imposed by  
19 federal and state governments. Billing for reimbursement of costs associated with video  
20 arraignments shall not be allowed under this paragraph. Custody and control of prisoners for the  
21 purpose of video arraignments shall be the responsibility of the county in which the video  
22 arraignment occurs, and such custody and control may be exercised by county correctional officers.

23 2 State Heating System Savings Account. Amend RSA 21-I:19-ff to read as follows:

24 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating  
25 system savings account for the transfer of unexpended state heating system appropriations due to  
26 reduced heating system costs resulting from the 26 state buildings served by the Concord Steam  
27 project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year,  
28 the commissioner of administrative services shall identify the unexpended appropriations in the  
29 accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam  
30 facility. The commissioner shall deposit such sums into the account established by this section.  
31 Funds in the state heating system savings account shall be nonlapsing and appropriated to the

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department of administrative services for the biennium ending June 30, ~~[2019]~~ **2021**, and the fiscal year ending ~~[2020]~~ **June 30, 2022** and may be used to pay principal and interest on bonds and notes issued to fund the capital project for the heating of state facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in downtown Concord.

3 Divisions of Procurement and Support Services; Planning and Management Functions. Amend RSA 21-I:11, I(c)(4) to read as follows:

(4) Supervising the ~~[activities and functions of the bureau of]~~ planning and management **functions of** ~~[under]~~ RSA 21-I:12, II(a).

4 New Subparagraph; Graphic Services Fund Established; Department of Administrative Services. Amend RSA 21-I:12, I by inserting after subparagraph (e) the following new subparagraph:

(f)(1) There is hereby established in the state treasury a graphic services fund, which shall be a revolving fund administered by the department of administrative services. The fund shall be nonlapsing and continually appropriated to the department of administrative services. Revenue received by the bureau of graphic services shall be deposited into this fund.

(2) The graphic services fund shall be maintained at such a level as to cover the necessary costs of the administration, management, operations, activities, positions, capital, or other needs of the bureau of graphic services. The department of administrative services may use any excess amounts in the fund to fund the administration, management, operations, positions, activities, capital, or other needs of the department or any of its divisions, bureaus, units, or subunits.

5 Division of Plant and Property; Planning and Management. Amend RSA 21-I:12, II to read as follows:

II. The division of plant and property shall ~~[include the following internal organizational units and functions]~~:

(a) ~~[A bureau of planning and management under the supervision of a classified administrator of planning and management who shall be]~~ Be responsible for the following functions **relative to planning and management**, in accordance with applicable laws:

(1) Recommending assignment of office and office-related space, including rented space, or space under consideration for rental, to the director, who shall report such recommendations to the commissioner.

(2) Preparing and maintaining an inventory of all physical space in real property rented or leased for use by the state. This inventory shall be made available to the comptroller in order to assist the comptroller to comply with accounting principles.

(3) Planning for any additional office space needs of the state in consultation with the division of public works design and construction.

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(4) Planning for any major renovation to state office buildings in consultation with the division of public works design and construction.

(5) Centrally managing all space rented by, or all proposed rentals of space by, state agencies, and providing central administration and management of the processes by which space is rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law, agencies seeking to rent space shall do so only in consultation with the bureau of planning and management. The central management and administration provided by the bureau shall include assisting agencies in their selection of property, in the formulation of rental documents, in the preparation of notices, in agencies' solicitation of bids or proposals and selection of lessors, in space planning, in office layout, and in such other matters as are necessary for effective central planning and management relative to rented space but shall not include the power to enter into rental agreements on behalf of an agency.

**(b) *Include the following internal organizational units and functions:***

**(1)** A bureau of general services under the supervision of a classified administrator of general services who shall be responsible for the following functions, in accordance with applicable laws:

~~[(1)]~~ **(A)** Providing support services, including but not limited to, mailing and messenger services to state government.

~~[(2)]~~ **(B)** Providing for the general maintenance of state-owned buildings and grounds, except as otherwise provided by law.

~~[(e)]~~ **(2)** A bureau of court facilities under the supervision of a classified administrator who shall be responsible for the following functions, in accordance with applicable laws:

~~[(1)]~~ **(A)** Providing suitable court facilities for the conduct of all court sessions held within each judicial district and county, subject to the availability of appropriated funds, in accordance with RSA 490-B.

~~[(2)]~~ **(B)** Providing for the general maintenance of state-owned court buildings and grounds, except as otherwise provided by law.

~~[(d)]~~ **(C) *Be responsible for*** the department's functions relating to energy management, managed by such personnel as may be assigned by the commissioner.

~~[(e)]~~ **(D) *Be responsible for*** the department's support of facilities of the department of health and human services managed by such personnel as may be assigned by the commissioner.

6 Department of Administrative Services; Payment and Procurement Card Fund. Amend RSA 9-D:3, III to read as follows:

III. All funds accumulated from rebates under RSA 9-D:2, I(a) or (b) shall be deposited in the fund established in paragraph I. Expenditures from the fund shall be restricted to the following purposes:

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(a) Paying the necessary costs of administration and management of the credit, payment, or procurement card programs handled by the department of administrative services and maintaining a working capital reserve in an amount, not to exceed \$25,000, which is deemed sufficient by the division of procurement and support services to cover the costs of the programs and to pay amounts under ~~[subparagraph]~~ **subparagraphs (b)(1) and (2).**

(b) After deducting the foregoing amounts, making such payments, if any, that the department of administrative services concludes are appropriately payable:

(1) By an entity which is part of the state to any credit, payment, or procurement card issuer under contracts secured by the division of procurement and support services pursuant to RSA 21-I, including but not limited to payments for purchases and payments which must be made in order for the state to obtain available rebates, or to avoid incurring, or to pay, interest, penalties, or other costs imposed on the state by issues of credit, payment, or procurement cards.

(2) ~~[To the state's general fund or any federal, highway, turnpike, or liquor fund, as a share of rebates obtained on credit card contracts under RSA 9-D:2. The]~~ **To the** department of administrative services ~~[shall pay any remaining]~~ **to address its procurement-related needs or expenses. The department may use** rebate amounts to ~~[the general]~~ fund **its administration, management, operations, positions, activities or capital, or other needs, or the needs of any of its divisions, bureaus, units or subunits, relating to the procurement of goods or services.**

7 New Subparagraph; Graphic Services Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys received by the department of administrative services, division of procurement and support services, bureau of graphic services which shall be credited to the graphic services fund established in RSA 21-I: 12, I (f).

8 Department of Administrative Services; Consolidation of Human Resources and Payroll Functions.

I. Notwithstanding any law or administrative rule to the contrary, the commissioner of administrative services, with the prior approval of the fiscal committee of the general court and the governor and council, may make such transfers of appropriation items and changes in allocations of funds available for operational purposes to the department of administrative services from any other agency necessary to effectuate the efficient consolidation or deconsolidation of human resources, payroll, and business processing functions within state government. Such business processing functions shall include:

(a) Accounts receivable;

(b) Accounts payable;

(c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to the state; and

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1           (d) Such additional finance, accounting, and other functions and transactions that the  
2 commissioner of administrative services determines may potentially achieve substantial efficiencies  
3 from consolidation.

4           II. The commissioner of administrative services may establish the number of total personnel  
5 required for human resources, payroll, and business processing functions in the executive branch of  
6 state government and, with the prior approval of the governor and council, may eliminate  
7 unnecessary positions and may transfer positions to or from the department of administrative  
8 services to or from any other agency if the commissioner of administrative services concludes that  
9 such transfers or eliminations are necessary to effectuate the efficient consolidation or  
10 deconsolidation of human resources, payroll, or business processing functions within state  
11 government. Such transfers may, if deemed appropriate by the commissioner of administrative  
12 services, include the transfer of all associated books, papers, records, personnel files, and equipment,  
13 including, but not limited to, work station and information technology equipment, and may, if  
14 deemed appropriate by the commissioner of administrative services, include the transfer of any  
15 unexpended appropriations for any of the foregoing, and any unexpended appropriations for salary,  
16 payroll, benefits, support costs, or any other costs associated with the transferred personnel. The  
17 department of administrative services may also establish new full-time temporary positions within  
18 the department, if the commissioner of administrative services deems it necessary to effectuate the  
19 efficient consolidation or deconsolidation of human resources, payroll, or business processing  
20 functions.

21           III. The commissioner of administrative services may locate personnel whose positions have  
22 been transferred in such work spaces as the commissioner determines will efficiently effectuate the  
23 consolidation or deconsolidation of functions. Such work spaces may include either space currently  
24 owned or rented by the state, or space which may be rented by the commissioner utilizing amounts  
25 which may be saved by the state as the result of the consolidation or deconsolidation of functions.

26           IV. If the commissioner of administrative services consolidates, deconsolidates or, pursuant  
27 to 2015, 276:2 or other law, has consolidated or deconsolidated, any human resources, payroll, or  
28 business processing function and subsequently determines that such consolidation or deconsolidation  
29 is not cost effective or beneficial to the interests of the state, the commissioner may, with the prior  
30 approval of the fiscal committee of the general court, deconsolidate or reconsolidate, fully or  
31 partially, any human resources, payroll, or business processing function within the executive branch  
32 of state government. As part of a deconsolidation, the commissioner, after consultation with the  
33 heads of such executive branch agencies as may be affected, shall determine positions to be  
34 transferred to another agency, shall determine positions to be transferred elsewhere within the  
35 department of administrative services, or shall determine positions to be eliminated.

36           V. Any unspent balance remaining of the \$250,000 appropriation made by 2011, 224:86 to  
37 the department of administrative services for the biennium ending June 30, 2013, for the purpose of

1 selecting and retaining an independent business processing consultant to evaluate and make  
2 recommendations relative to the consolidation of business processing functions within state  
3 government, shall not lapse until June 30, 2023. The department of administrative services may use  
4 this balance to fund such projects, functions, or activities as the commissioner of administrative  
5 services may direct relating to the efficiency of state government, including, but not limited to, the  
6 selection and retention of an independent business processing consultant and/or other projects,  
7 functions, or activities relating to the consolidation or deconsolidation of human resource, payroll,  
8 and business processing functions.

9 9 New Paragraphs; Department of Administrative Services; State Employee Health Plan;  
10 Application. Amend RSA 21-I:30 by inserting after paragraph XVI the following new paragraphs:

11 XVII. The cost sharing and plan design for unrepresented active state employees who  
12 participate in the health plans offered by the state shall be the same as those for individuals covered  
13 by the collective bargaining agreement between the state of New Hampshire and the State  
14 Employees' Association of New Hampshire, Inc. Changes to the above plan design cost sharing  
15 provisions consistent with RSA 21-I:30, I are permitted with the prior approval of the fiscal  
16 committee of the general court. The cost sharing and plan designs for represented active state  
17 employees who participate in the health plans offered by the state shall be in accordance with the  
18 provisions of the collective bargaining agreements between the state and the employee organizations  
19 representing those employees.

20 XVIII. Agencies may use funds in existing class 60 budgets to pay any penalties imposed  
21 under the employer shared responsibility for health coverage under section 4980H of the Internal  
22 Revenue Code.

23 10 All Agencies; Electronic Mail. Unless restricted by law or administrative rule, upon request  
24 of an intended recipient, an agency may provide documents by electronic mailing in lieu of mail.

25 11 Department of Administrative Services; Funding and Staffing Resource Limitations.

26 I. Due to inadequate funding and staffing resources at the department of administrative  
27 services, the commissioner of the department of administrative services may suspend the obligations  
28 or requirements under RSA 21-I:7-c as it applies to addressing performance and financial legislative  
29 budget assistant audit findings from 2006, 2011, and 2014 regarding management of the employee  
30 and retiree health benefit program, including establishing rules and operational policies for the  
31 program, for each fiscal year of the biennium ending June 30, 2023.

32 II. Due to inadequate funding and staffing resources at the department of administrative  
33 services, the commissioner of the department of administrative services may suspend the following  
34 requirements or obligations of the department for each fiscal year of the biennium ending June 30,  
35 2023:

36 (a) The provisions relating to identification and implementation of energy efficiency  
37 projects in compliance with the governor's executive order 2016-03.

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(b) The provisions relating to data analysis and the development of performance metrics for buildings and vehicles to monitor energy and water usage, use of fossil fuels, and greenhouse gas emissions in compliance with governor's executive order 2016-03.

(c) Rulemaking required by RSA 21-I:14, V, standards for the provision of graphic services which will ensure efficiency and high quality work; RSA 21-I:14, VI, standards governing the purchasing and continuing ownership of graphic services equipment by agencies not exempted by RSA 21-I:12, I(e); RSA 21-I:14, VII, standards governing the allocation and use of state photocopiers by the agencies not exempted by RSA 21-I:12, I(e); RSA 21-I:14, XIII, management of the state employees and retiree group insurance program authorized by RSA 21-I:26 through 36 and the programs established in RSA 21-I:44-a and RSA 21-I:44-b; and RSA 21-I:14, XVI, public works services, including bidding for major projects as described in RSA 21-I:78, as authorized by RSA 21-I:80; RSA 21-I:81, and RSA 21-I:82, bidder qualifications, agency requests for public works services, charges and fees, selection of persons or entities to perform public works projects, public works construction and design, dispute resolution, and such other requirements or procedures relating to public works as are necessary for the division of public works design and construction to properly perform its duties and functions in accordance with applicable law.

12 Repeal. 2005, 291:3, V(c), relative to the memorandum of understanding with the commissioner of the department of health and human services for the purpose of delineating the functions to be assumed by the department of administrative services, is repealed.

13 Appropriation; Department of Administrative Services. Any remainder of the sum of \$1,300,000 appropriated for the fiscal year ending June 30, 2020 to the department of administrative services for the purpose of obtaining scheduling software under 2019, 346:244 shall not lapse until June 30, 2023. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Retirement System; Medical Benefits. Amend RSA 100-A:52, III-III-a to read as follows:

III. In the case of group II members retired from state employment before July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, ~~[the amount payable by]~~ the retirement system **shall pay not less than the amounts provided in paragraph II** on account of such persons **and** shall ~~[be paid]~~ **pay those amounts** over to the state. ~~[and]~~ **Such payments shall be** used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

III-a. In the case of group II members retired from state employment on or after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, ~~[the amount payable by]~~ the retirement system **shall pay not less than the amounts provided in paragraph II** on account of such persons **and** shall ~~[be paid]~~ **pay those amounts** over to the state. ~~[and]~~ **Such payments shall be** used to pay for all or part of the



1 medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion  
2 as provided in RSA 21-I:26-36. If the cost of the premium for any retired group II member and  
3 spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the  
4 maximum under paragraph II, and the state does not elect to pay the excess cost above the amount  
5 to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving  
6 spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may  
7 require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such  
8 excess cost from retirement benefits as provided in RSA 100-A:51.

9 15 Retirement System; Medical Benefits. Amend RSA 100-A:52-b, V and VI to read as follows:

10 V. As of July 1, 2001, in the case of group I members retired from state employment before  
11 July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and also  
12 under the provisions of RSA 21-I:26-36, ~~[the amount payable by]~~ the retirement system **shall pay**  
13 **not less than the amounts provided in paragraph III** on account of such persons **and** shall ~~[be~~  
14 ~~paid]~~ **pay those** over to the state. ~~[and]~~ **Such payments shall be** used to pay for all of part of the  
15 medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by  
16 the state as provided in RSA 21-I:26-36.

17 VI. As of July 1, 2001, in the case of group I members retired from state employment on or  
18 after July 1, 1991, and their beneficiaries who are eligible for coverage under this subdivision and  
19 also under the provisions of RSA 21-I:26-36, ~~[the amount payable by]~~ the retirement system **shall**  
20 **pay not less than the amounts provided in paragraph III** on account of such persons **and** shall  
21 ~~[be paid]~~ **pay those amounts** over to the state. ~~[and]~~ **Such payments shall be** used to pay for all or  
22 part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay  
23 its portion as provided in RSA 21-I:26-36. If the cost of the premium for any retired group I member  
24 and spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed  
25 the maximum under paragraph III, and the state does not elect to pay the excess cost above the  
26 amount to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified  
27 surviving spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The  
28 state may require, as a condition for coverage, that the retiree or surviving spouse apply for  
29 deduction of such excess cost from retirement benefits as provided in RSA 100-A:51.

30 16 Contingent Implementation. The provisions of sections 14 and 15 of this act, amending RSA  
31 100-A:52, III-III-a and RSA 100-A 52-b, V and VI relating to retirement system medical benefits,  
32 shall be effective and implemented 90 days after the date that the board of trustees established in  
33 RSA 100-A:14 certifies to the fiscal committee of the general court and the director of legislative  
34 services of the New Hampshire retirement system's receipt of a favorable determination letter from  
35 the Internal Revenue Service as to the tax qualified status of the plan under section 401(a) and  
36 501(a) of the Internal Revenue Code of 1986 as amended.

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1       17 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of  
2 law to the contrary, and subject to approval of the fiscal committee of the general court, for the  
3 biennium ending June 30, 2023, the supreme court may transfer funds within and among all  
4 accounting units within the judicial branch as the supreme court deems necessary and appropriate  
5 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and  
6 otherwise as necessary for the efficient management of the judicial branch. If the supreme court  
7 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA  
8 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of  
9 \$100,000 or more.

10       18 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium  
11 ending June 30, 2023, the state shall reimburse the sheriff's office for court security at the rates  
12 provided in the collective bargaining agreement applicable to per diem court security officers  
13 employed by the judicial branch to attend any official business, for any person employed as a bailiff  
14 by the sheriff's office.

15       19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the  
16 following new section:

17       10:11 Sale of Lakes Region Facility.

18           I. In this section, "lakes region facility" means all land, easements, buildings, structures,  
19 and appurtenances owned or controlled by the state of New Hampshire in the city of Laconia  
20 formerly known as the Laconia State School.

21           II. Notwithstanding any other provision of law, the governor, with approval of the executive  
22 council, shall have the sole authority to sell, convey, lease, rent, exchange, transfer, abandon, or  
23 otherwise dispose of any of the property, whether tangible or intangible, at the lakes region facility  
24 on such terms and conditions as the governor and executive council deem appropriate and without  
25 regard to any other provision of law affecting or restricting the sale, conveyance, lease, rental,  
26 exchange, transfer, abandonment or other disposal of state property.

27       20 Lakeshore Redevelopment Planning Commission; Definitions; Lakes Region Facility. Amend  
28 RSA 10:5, II to read as follows:

29           II. In this subdivision, "commission" means the lakeshore redevelopment planning  
30 commission, and "lakes region facility" means the former Laconia state school land and buildings  
31 and training center property, ***excluding the separate parcel identified as Ahern State Park,***  
32 ***formerly Governor's State Park, which was transferred to the division of parks and***  
33 ***recreation in November 1994 and preserved as a state park in perpetuity pursuant to RSA***  
34 ***216-H.***

35       21 Commissioner of Health and Human Services; Quarterly Reports. During the biennium  
36 ending June 30, 2023, the commissioner of health and human services shall make quarterly reports  
37 to the governor, the speaker of the house of representatives, and the senate president on the status

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of estimated Medicaid payments in relation to actual costs. Further contents of such reports shall be as specified by the governor.

22 Department of Health and Human Services; Unfunded Positions; Authorization. Notwithstanding any other provision of law to the contrary, the department of health and human services may fill unfunded positions during the biennium ending June 30, 2023, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services.

23 Department of Health and Human Services; Bureau of Adult and Elderly Services; Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the biennium ending June 30, 2023.

24 Department of Health and Human Services; Foster Grandparent Program. The reimbursements to the foster grandparent program through the senior volunteer grant program, established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2023.

25 Department of Health and Human Services; Social Services Block Grant Cost of Living Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending June 30, 2023, the department of health and human services shall raise the income eligibility for elderly and adult clients under the social services block grant program each January, by the percentage amount of the cost of living increase in social security benefits on a yearly basis provided such amount is consistent with federal law and regulations relative to the social services block grant income eligibility.

26 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a to read as follows:

167:18-a County Reimbursement of Funds; Limitations on Payments.

I. These expenditures shall in the first instance be made by the state, but each county shall make monthly payments to the state for the amounts due under this section within 45 days from notice thereof.

(a) Counties shall reimburse the state for expenditures for recipients for whom such county is liable who are eligible for nursing home care and are receiving services from a licensed nursing home, or in another New Hampshire setting as an alternative to a licensed nursing home placement and are supported under the Medicaid home and community-based care waiver for the elderly and chronically ill, as such waiver may be amended from time to time, to the extent of 100 percent of the non-federal share of such expenditures. ***If at any point the Federal Medical Assistance Percentage increases, the counties' portion of the non-federal share shall be reduced by the amount of the increased federal percentage, if allowable under federal law and subject to any conditions on the funding.*** Expenditures shall not include payments made for skilled care.

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(b) Counties shall not be liable for Medicaid recipients in state institutions, the Crotched Mountain Rehabilitation Center, and intermediate care facilities (ICF) approved by the department of health and human services and servicing developmentally impaired persons.

II.(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years ~~[2020-2021]~~ **2022-2023**:

(1) State fiscal year ~~[2020]~~ **2022**, [~~\$123,372,750~~] **\$129,362,411**.

(2) State fiscal year ~~[2021]~~ **2023**, [~~\$126,923,933~~] **\$131,849,659**.

(b) The caps on total billings for fiscal years after fiscal year 2015 shall be established by the legislature at least on a biennial basis.

III.(a) ***The cap in total billings shall not exceed an annual increase of 2 percent in any year of the biennium.***

(b) The counties shall have an aggregate credit of \$5,000,000 against amounts due under this section for each fiscal year beginning July 1, 2008. The credit shall be allocated as follows:

(1) For fiscal year 2009, \$4,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$1,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(2) For fiscal year 2010, \$2,000,000 shall be allocated among the counties based upon the proportion each paid for such expenditures in the prior fiscal year, and \$3,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

(3) For fiscal year 2011 and for each fiscal year thereafter, \$5,000,000 shall be allocated among the counties based upon their relative proportions of residents age 65 or older who are Medicaid recipients.

***(4) For fiscal year 2021, in addition to the \$5,000,000 allocated pursuant to subparagraph III(b)(3), a credit of \$9,721,305 shall be allocated among the counties based upon their relative proportions of residents aged 65 years of age or older who are Medicaid recipients.***

~~[(b)]~~ (c) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. The total aggregate obligation of the counties shall be reduced by the amount of the credit in each fiscal year.

IV. ***Budgeted general funds shall be applied to the funding of Medicaid long-term services and supports after the allocation of the credit and prior to any county funds.***

V. Notwithstanding the procedures of paragraphs I-III of this section, no county shall be liable for total billings in fiscal year 2009 or fiscal year 2010 in an amount which would be greater

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1 than the amount of liability projected for that fiscal year using the methodology for determining  
2 county payments in former RSA 167:18-a, 167:18-b, and 167:18-f prior to its repeal together with the  
3 amount of liability projected for that fiscal year using the repealed methodology for determining  
4 county payments in RSA 169-B, 169-C, and 169-D.

5 [V-] **VI.**(a) Any shortfall between the state audited Medicaid allowances incurred by the  
6 state's county operated nursing homes and amounts otherwise reimbursed by federal 50 percent  
7 Medicaid matching funds or other income, shall be certified as a public expenditure and be eligible  
8 for additional federal funding match.

9 (b) The department of health and human services shall seek federal Medicaid assistance  
10 match for any state audited county nursing home Medicaid expense which is not fully reimbursed  
11 through rates. Any revenue realized through such a match shall be paid to the nursing homes which  
12 incurred the unreimbursed expense.

13 27 Department of Health and Human Services; Prospective Repeal Regarding the Exemption  
14 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV, as amended by 2019, 346:64  
15 to read as follows:

16 IV. Section 10 of this act shall take effect [~~June 30, 2021~~] **June 30, 2023**.

17 28 Effective Date. Section 27 of this act shall take effect June 30, 2021.

18 29 The New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3,  
19 I(e)-(g) to read as follows:

20 (e) Funds received from the assessment under RSA 404-G; [~~and~~]

21 (f) ***Revenue from the Medicaid enhancement tax to meet the requirements***  
22 ***provided in RSA 167:64; and***

23 (g) Funds recovered or returnable to the fund that were originally spent on the cost of  
24 coverage of the granite advantage health care program.

25 30 New Subparagraph; Emergency Services for Children, Youth and Families Fund. Amend  
26 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

27 (365) Moneys deposited in the emergency services for children, youth and families  
28 fund established in RSA 170-G:4-h.

29 31 New Section; Department of Health and Human Services; Establishing the Emergency  
30 Services for Children, Youth, and Families Fund. Amend RSA 170-G by inserting after section 4-g  
31 the following new section:

32 170-G:4-h Establishing the Emergency Services for Children, Youth, and Families Fund. There  
33 is hereby established in the state treasury the emergency services for children, youth, and families  
34 fund. The funds shall be used by the department to meet the immediate needs of children and  
35 families as required to ensure the department is making reasonable efforts to avoid the removal of  
36 children and support reunification. The use of these funds shall be limited to instances when there  
37 are no other supports or services available to meet the immediate need in a timely manner. The

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1 funds may be comprised of public funds, gifts, grants or donations or any other source of funds. The  
2 fund shall be non-lapsing and shall be continually appropriated to the department for purposes  
3 funding emergency services administered by the department, or its providers, under RSA 169-B,  
4 RSA 169-C, RSA 169-D or under this chapter.

5 32 Parental Reimbursement; Child Services. Amend 2020, 26:57, II-III to read as follows:

6 II. Sections **12-29**, 30, 32, 33, 35, 44, 51-53 and 55 of this act shall take effect July 1, 2020.

7 III. Sections 1-8, [~~12-29~~], and RSA 169-C:12-f, III as inserted by section 54 of this act of shall  
8 take effect January 1, 2021.

9 33 New Hampshire Department of Health and Human Services; Elimination of Parental  
10 Reimbursement. The department of health and human services shall be authorized to motion the  
11 court to terminate any court orders for parental reimbursement either for on-going repayment or  
12 arrears pursuant to implementation of 2020, 26:12 through 2020, 26:29 in existence as of the  
13 effective date of any court order rendered pursuant to this act.

14 34 Department of Health and Human Services; Program Eligibility; Additional Revenues. For  
15 the biennium ending June 30, 2023, the department of health and human services shall not  
16 authorize, without prior consultation with the house health, human services and elderly affairs  
17 committee and the senate health and human services committee and the approval of the fiscal  
18 committee of the general court and governor and council, any change to program eligibility  
19 standards or benefit levels that might be expected to increase or decrease enrollment in the program  
20 or increase expenditures from any source of funds; provided, however, that no such prior approval  
21 shall be required if a change to a federal program in which the state is participating as of the  
22 effective date of this section is required by federal law.

23 35 Department of Health and Human Services; Change in Federal Match Revenue. During the  
24 biennium ending June 30, 2023 any item submitted to the fiscal committee of the general court  
25 which increases a draw on federal funds, as a result of miscalculation of or change in the state's  
26 share of a federal match program in excess of \$100,000 in an accounting unit, shall include an  
27 explanation stating if any general funds have been supplanted, and if so, for what purpose those  
28 supplanted general funds will be used, and the amount of supplanted general funds anticipated to  
29 lapse.

30 36 Reproductive Health Facilities. No state funds shall be awarded by the department of health  
31 and human services to a reproductive health care facility, as defined in RSA 132:37, I, except the  
32 funding available from the state pursuant to Title XIX of the Social Security Act to the minimum  
33 extent necessary to comply with federal conditions for the state's participation in the Medicaid  
34 program. Any contract awarded to a family planning project shall contain all of the following  
35 provisions: (1) that no state funds shall be used to subsidize abortions, either directly or indirectly;  
36 (2) that the family planning project will permit the commissioner of the department of health and  
37 human services, or his or her designated agent or delegate, to inspect the financial records of the

family planning project to monitor compliance with this section; (3) that at the end of each fiscal year, the commissioner shall certify, in writing, to the governor and council that he or she, personally or through a designated agent or delegate, has reviewed the expenditure of funds awarded to a family planning project under this section and that no state funds awarded by the department have been used to provide abortion services; and (4) that if the commissioner fails to make such certification or if the governor and executive council, based on evidence presented by the commissioner in his or her certification, find that state funds awarded by the department have been used to provide abortion services, the grant recipient shall either: (a) be found to be in breach of the terms of such contract, grant, or award of funds and forfeit all right to receive further funding; or (b) suspend all operations until such time as the state funded family planning project is physically and financially separate from any reproductive health facility, as defined in RSA 132:37.

37 Title. Sections 37-40 of this act may be known and cited as the “Fetal Life Protection Act.”

38 Legislative Findings and Purpose.

I. The general court finds that:

(a) The prohibition of late-term abortion is supported by history and the common law. The Hippocratic Oath as Literary Text: A Dialogue Between Law and Medicine, 2 Yale J. Health Policy L. & Ethics 299, 308 (discussing the Hippocratic Oath’s prohibition on abortion); Digest of Justinian: Digest 4.48.8.8 (classifying abortion as a form of homicide); 2 Bracton on Laws and Customs of England 341 (S. Thorne trans. 1968) (classifying abortion as a form of homicide “especially if [the fetus] is quickened”); 1 W. Blackstone, Commentaries on the Law of England 125 (1773) (stating that the common law has historically prohibited abortion “as soon as an infant is able to stir in the mother’s womb.”). The New Hampshire supreme court has observed that “The common law has always been most solicitous for the welfare of the fetus in connection with its inheritance rights as well as protecting it under the criminal law.” *Poliquin v. Donald*, 101 N.H. 104, 107 (1957).

(b) The United States Supreme Court, in holding that the United States Constitution protects abortion, also stated that “The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, a fetus... The situation therefore is inherently different from marital intimacy [etc.]... it is reasonable and appropriate for a State to decide that at some point in time another interest, that of... [fetal] life, becomes significantly involved. The woman's privacy is no longer sole and any right of privacy she possesses must be measured accordingly.” *Roe v. Wade*, 410 U.S. 113, 159 (1973).

(c) The *Roe* Court specifically rejected the view that “the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses.” *Roe v. Wade*, 410 U.S. 113, 153 (1973).

(d) The *Roe* Court affirmed that “For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even

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1 proscribe, abortion except where it is necessary, in appropriate medical judgment, for the  
2 preservation of the life or health of the mother.” *Roe v. Wade*, 410 U.S. 113, 164-165 (1973).

3 (e) The United States Supreme Court, in rejecting the trimester framework of *Roe*,  
4 reaffirmed “the State’s power to restrict abortions after fetal viability, if the law contains exceptions  
5 for pregnancies which endanger the woman’s life or health” and stated that “the State has legitimate  
6 interests from the outset of the pregnancy in protecting... the life of the fetus that may become a  
7 child.” *Planned Parenthood v. Casey*, 505 U.S. 833, 846 (1992).

8 (f) Already in 1973, the Supreme Court had observed that “Viability is usually placed at  
9 about seven months (28 weeks) but may occur earlier, even at 24 weeks.” *Roe v. Wade*, 410 U.S. 113,  
10 160 (1973). Since that time, however, there has been “dramatic improvement in survival for infants  
11 born at the border of viability ( $\leq 24$  weeks).” Barbara Luke and Morton B. Brown, The changing risk  
12 of infant mortality by gestation, plurality, and race: 1989-1991 versus 1999-2001, *Pediatrics*, Dec.  
13 2006, 118 (6): 2488-2497.

14 (g) The Supreme Court has observed that “In some broad sense it might be said that a  
15 woman who fails to act before viability has consented to the State’s intervention on behalf of the  
16 developing child.” *Planned Parenthood v. Casey*, 505 U.S. 833, 870 (1992).

17 (h) New Hampshire has historically seen the fetus as a separate entity from the mother  
18 with distinct legal interests. *Bennett v. Hymers*, 101 N.H. 483, 485 (1958) (“We adopt the opinion  
19 that the fetus from the time of conception becomes a separate organism and remains so throughout  
20 its life.”); N.H. Rev. State. Ann § 630:1-a: IV (stating that “the meaning of ‘another’ shall include a  
21 fetus” under specified criminal laws).

22 (i) “[R]espect for the dignity of human life” is a legitimate state purpose. *Gonzales v.*  
23 *Carhart*, 550 U.S. 124, 157 (2007). The United States Supreme Court has said that “Respect for  
24 human life finds an ultimate expression in the bond of love the mother has for her child... While we  
25 find no reliable data to measure the phenomenon, it seems unexceptionable to conclude some women  
26 come to regret their choice to abort the infant life they once created and sustained.” *Id.* at 159.

27 (j) In addition, there is substantial medical evidence that a fetus by at least 20 weeks’  
28 gestation has the capacity to feel pain during an abortion. K. Anand and P. R. Hickey, Pain and its  
29 effects in the human neonate and fetus, *N.E.J.M.*, 1987, 317:1321.

30 II. Based on the findings in paragraph I, the general court’s purposes in promulgating this  
31 act are:

32 (a) Based on the state’s interest in protecting fetal life, to prohibit abortions at or after  
33 24 weeks gestation, except in cases of a medical emergency.

34 (b) To define “medical emergency” to encompass “significant health risks,” namely those  
35 circumstances in which a pregnant woman’s life or a major bodily function is threatened. *Gonzales v.*  
36 *Carhart*, 550 U.S. 124, 161 (2007).



1        39 New Subdivision; Fetal Life Protection Act. Amend RSA 329 by inserting after section 42 the  
2        following new subdivision:

4        329:43 Definitions. In this subdivision:

10 (a) Save the life or preserve the health of the fetus;

11 (b) Remove a dead fetus caused by spontaneous abortion; or

12 (c) Remove an ectopic pregnancy.

16 III. “Conception” means the fusion of a human spermatozoon with a human ovum.

IV. “Gestational age” means the time that has elapsed since the first day of the woman’s last menstrual period.

V. “Major bodily function” includes, but is not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

22 VI. "Medical facility" means any public or private hospital, clinic, center, medical school,  
23 medical training institution, health care facility, physician's office, infirmary, dispensary,  
24 ambulatory surgical treatment center, or other institution or location wherein medical care is  
25 provided to any person.

VII. "Health care provider" means any person who provides health care services. The term includes but is not limited to medical doctors, doctors of osteopathy, nurses, or any employee of a medical facility.

VIII. “Pregnant” or “pregnancy” means the female reproductive condition of having one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

IX. “Probable gestational age” means what, in reasonable medical judgment, will with reasonable probability be the gestational age of the fetus at the time the abortion is considered, performed, or attempted.

X. “Reasonable medical judgment” means that medical judgment that would be made by a reasonably prudent health care provider in the community, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

1           XI. “Fetus” means an unborn offspring, from the embryo stage which is the end of the  
2 twentieth week after conception or, in the case of in vitro fertilization, the end of the twentieth week  
3 after implantation, until birth.

4           329:44 Prohibition.

5           I. Except in the case of a medical emergency as specifically defined in paragraph III, no  
6 abortion shall be performed, induced, or attempted by any health care provider unless a health care  
7 provider has first made a determination of the probable gestational age of the fetus. In making such  
8 a determination, the health care provider shall make such inquiries of the pregnant woman and  
9 perform or cause to be performed all such medical examinations, imaging studies, and tests as a  
10 reasonably prudent health care provider in the community, knowledgeable about the medical facts  
11 and conditions of both the woman and the fetus involved, would consider necessary to perform and  
12 consider in making an accurate diagnosis with respect to gestational age, provided, however, that  
13 the health care provider shall conduct an obstetric ultrasound examination of the patient for the  
14 purpose of making the determination.

15           II. Except in a medical emergency as specifically defined in paragraph III, no health care  
16 provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant  
17 woman when the probable gestational age of her fetus has been determined to be at least 24 weeks  
18 or in the absence of a determination by a health care provider pursuant to paragraph I as to the  
19 fetus’ probable gestational age.

20           III. For the purposes of this subdivision only, “medical emergency” means a condition in  
21 which an abortion is necessary to preserve the life of the pregnant woman whose life is endangered  
22 by a physical disorder, physical illness, or physical injury, including a life-endangering physical  
23 condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will  
24 create a serious risk of substantial and irreversible impairment of a major bodily function, as defined  
25 in RSA 329:43, V, of the pregnant woman.

26           329:45 Reporting.

27           I. Any health care provider who performs an abortion under this subdivision shall report, in  
28 writing, to the medical facility in which the abortion is performed the reason for the determination  
29 that a medical emergency existed. The health care provider’s written report shall be included in a  
30 written report from the medical facility to the department of health and human services. If the  
31 abortion is not performed in a medical facility, the health care provider shall report, in writing, the  
32 reason for the determination that a medical emergency existed to the department of health and  
33 human services as part of the written report made by the health care provider to the department.  
34 The health care provider and the medical facility shall retain a copy of the written reports required  
35 under this section for not less than 5 years.

36           329:46 Criminal Penalties. Any health care provider who knowingly performs or induces an  
37 abortion in violation of this subdivision and knows that the fetus has a gestational age of at least 24

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1 weeks, or consciously disregards a substantial risk that the fetus has a gestational age of at least 24  
2 weeks, shall be guilty of a class B felony and, in addition to any other penalties the court may  
3 impose, be fined not less than \$10,000 and not more than \$100,000.

4 329:47 Civil Remedies.

5 I. The woman, the father of the fetus if married to the mother at the time she receives an  
6 abortion in violation of this subdivision, and/or, if the mother has not attained the age of 18 years at  
7 the time of the abortion, the maternal grandparents of the fetus may in a civil action obtain  
8 appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or, if brought  
9 by the maternal grandparents, the maternal grandparents consented to the abortion.

10 II. Such relief shall include monetary damages for all psychological and physical injuries  
11 caused by the violation of this subdivision.

12 329:48 Review by New Hampshire Board of Medicine.

13 I. A defendant health care provider accused of violating this subdivision may seek a hearing  
14 before the board of medicine as to whether the health care provider's conduct was necessary to save  
15 the life of the mother whose life was endangered by a physical disorder, physical illness, or physical  
16 injury, including a life-endangering physical condition caused by or arising from the pregnancy itself;  
17 and/or as to whether the continuation of the pregnancy would have created a serious risk of  
18 substantial and irreversible impairment of a major bodily function, as defined in RSA 329:43, V, of  
19 the pregnant woman.

20 II. The findings on this issue are admissible at the criminal and civil trials of the defendant.  
21 Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30  
22 days to permit such a hearing to take place.

23 329:49 Construction. Nothing in this subdivision shall be construed as creating or recognizing a  
24 right to abortion.

25 329:50 Severability. If any provision of this subdivision or the application thereof to any person  
26 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
27 the subdivision which can be given effect without the invalid provision or application. This  
28 subdivision shall retain its purpose and effect to the maximum extent permitted under the state and  
29 federal constitutions, whether through the severance of provisions or applications, judicial injunction  
30 or construction, or any other just and proper remedy. The general court further declares that it  
31 prefers any judicial remedy whatsoever to one that has the effect of permitting all abortions  
32 throughout gestation, whether such permission is effected through the complete invalidation of this  
33 subdivision or through any other means.

34 40 Effective Date. Sections 37-39 of this act shall take effect January 1, 2022.

35 41 Appropriation; Department of Health and Human Services. There is hereby appropriated to  
36 the department of health and human services the sum of \$3,300,000, for the biennium ending June  
37 30, 2023, for the purpose of implementing certain recommendations, from a financial review

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1 conducted by Alvarez & Marsal, to streamline certain agency operations resulting in greater  
2 efficiencies and accountability, and involving certain transformation projects over a 4-year period.  
3 Additionally, the department may accept and expend any applicable federal funds, and any gifts,  
4 grants, or donations that may be available for the purposes of this section. This appropriation shall  
5 not lapse until June 30, 2023. The governor is authorized to draw a warrant for said sum out of any  
6 money in the treasury not otherwise appropriated.

7 42 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The  
8 commissioner of the department of health and human services shall submit a Title XIX Medicaid  
9 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all  
10 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2023.

11 43 New Section; Department of Military Affairs and Veterans Services; Support for Veterans  
12 Mental Health and Social Isolation. Amend RSA 110-B by inserting after section 73-c the following  
13 new section:

14 110-B:73-d Support for Veterans Mental Health and Social Isolation. The department of  
15 military affairs and veterans services shall coordinate access to mental health programs available  
16 through the United States Department of Veterans Affairs (VA), including but not limited to the VA  
17 Solid Start program, which contacts every veteran multiple times by phone in the first year after  
18 they leave active duty to check in and help connect them to VA programs and benefits, the Buddy  
19 Check program through which veterans reach out to each other to provide peer support, and the  
20 proposed Green Alert Act, which will help to locate veterans when they go missing so they can  
21 receive appropriate care, in a manner similar to the Silver Alert system for older Americans and the  
22 Amber Alert system for children. The department will help veterans to find and enroll in the variety  
23 of mental health programs offered by the VA.

24 44 Appropriation; Department of Military Affairs and Veterans Services; Support for Veterans  
25 Mental Health and Social Isolation. There is hereby appropriated to the department of military  
26 affairs and veterans services the sum of \$1,500,000 for the fiscal year ending June 30, 2021 for the  
27 purposes of supporting services to combat struggles with mental health and social isolation. This  
28 appropriation shall not lapse until June 30, 2023. The governor is authorized to draw a warrant for  
29 said sum out of any money in the treasury not otherwise appropriated.

30 44-a Effective Date. Section 44 of this act shall take effect June 30, 2021.

31 45 New Subdivision; Controlled Drug Prescription Health and Safety Program. Amend RSA  
32 126-A by inserting after section 88 the following new subdivision:

33 Controlled Drug Prescription Health and Safety Program

34 126-A:89 Definitions. In this subdivision:

35 I.(a) "Chronic pain" means a state in which pain persists beyond the usual course of an acute  
36 disease or healing of an injury, or that might or might not be associated with an acute or chronic

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1 pathologic process that causes continuous or intermittent pain over months or years. It also includes  
2 intermittent episodic pain that might require periodic treatment.

3 (1) For the purpose of this subdivision, chronic pain does not cover or in any way  
4 determine treatment for pain from terminal disease.

5 (2) For the purpose of this subdivision, chronic pain includes but may not be limited  
6 to pain defined as "chronic," "intractable," "high impact," "chronic episodic," and "chronic relapsing."

7 (b) A diagnosis of chronic pain made by a practitioner licensed in any of the states in the  
8 United States or the District of Columbia and supported by written documentation of the diagnosis  
9 by the treating practitioner shall constitute proof that the patient suffers from chronic pain.

10 II. "Commissioner" means the commissioner of the department of health and human  
11 services.

12 III. "Controlled substance" means controlled drugs as defined in RSA 318-B:1, VI.

13 IV. "Department" means the department of health and human services, established in RSA  
14 126-A:4.

15 V. "Dispense" means to deliver a controlled substance by lawful means and includes the  
16 packaging, labeling, or compounding necessary to prepare the substance for such delivery.

17 VI. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-  
18 IV controlled substance, but does not include:

19 (a) A licensed hospital pharmacy that dispenses less than a 48-hour supply of a schedule  
20 II-IV controlled substance from a hospital emergency department or that dispenses for  
21 administration in the hospital;

22 (b) A practitioner, or other authorized person who administers such a substance;

23 (c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

24 (d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled  
25 substance from a hospital emergency department to a patient; or

26 (e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV  
27 controlled substance to a patient.

28 VII. "Patient" means the person or animal who is the ultimate user of a controlled substance  
29 for whom a lawful prescription is issued and for whom a controlled substance or other such drug is  
30 lawfully dispensed.

31 VIII. "Practitioner" means a physician, dentist, podiatrist, veterinarian, pharmacist, APRN,  
32 physician assistant, naturopath, or other person licensed or otherwise permitted to prescribe,  
33 dispense, or administer a controlled substance in the course of licensed professional practice.  
34 "Practitioner" shall also include practitioners with a federal license to prescribe or administer a  
35 controlled substance.

36 IX. "Prescribe" means to issue a direction or authorization, by prescription, permitting a  
37 patient to lawfully obtain controlled substances.

1 X. "Prescriber" means a practitioner or other authorized person who prescribes a schedule  
2 II, III, or IV controlled substance.

3 XI. "Program" means the controlled drug prescription health and safety program that  
4 electronically facilitates the confidential sharing of information relating to the prescribing and  
5 dispensing of controlled substances listed in schedules II-IV, established by the department  
6 pursuant to RSA 126-A:90.

7 126-A:90 Controlled Drug Prescription Health and Safety Program Established.

8 I. The department shall design, establish, and contract with a third party for the  
9 implementation and operation of an electronic system to facilitate the confidential sharing of  
10 information relating to the prescribing and dispensing of schedule II-IV controlled substances, by  
11 prescribers and dispensers within the state.

12 II. The department may establish fees for the establishment, administration, operations and  
13 maintenance of the program. The program may also be supported through grants and gifts. The fee  
14 charged to individuals requesting their own prescription information shall not exceed the actual cost  
15 of providing that information.

16 III. Prescription information held by the program relating to any individual shall be deleted  
17 3 years after the initial prescription was dispensed. All de-identified data may be kept for statistical  
18 and analytical purposes in perpetuity.

19 IV. The commissioner shall establish an advisory council, as provided in RSA 126-A:96.

20 126-A:91 Controlled Drug Prescription Health and Safety Program Operation.

21 I. The department shall develop a system of registration for all prescribers and dispensers of  
22 schedule II-IV controlled substances within the state. The system of registration shall be  
23 established by rules adopted by the department, pursuant to RSA 541-A.

24 II. All prescribers and dispensers authorized to prescribe or dispense schedule II-IV  
25 controlled substances within the state shall be required to register with the program as follows:

26 (a) Practitioners who prescribe but do not dispense schedule II-IV controlled substances  
27 shall register with the program as a prescriber;

28 (b) Practitioners who dispense but do not prescribe schedule II-IV controlled substances  
29 shall register with the program as a dispenser unless exempted pursuant to RSA 126-A:89, VI; and

30 (c) Practitioners who prescribe and dispense schedule II-IV controlled substances shall  
31 register with the program as both a prescriber and a dispenser unless exempted pursuant to RSA  
32 126-A:89, VI.

33 III. Only registered prescribers, dispensers, or their designees, and federal health  
34 prescribers and dispensers working in federal facilities located in New Hampshire, Massachusetts,  
35 Maine, and Vermont shall be eligible to access the program.

36 IV. The chief medical examiner and delegates may register and access the program.

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1           V. Each dispenser shall submit to the program the information regarding each dispensing of  
2 a schedule II-IV controlled substance. Any dispenser located outside the boundaries of the state of  
3 New Hampshire and who is licensed and registered by the pharmacy board, established in RSA  
4 318:2, shall submit information regarding each prescription dispensed to a patient who resides  
5 within New Hampshire.

6           VI. Each dispenser required to report under paragraph V of this section shall submit to the  
7 program by electronic means information for each dispensing that shall include, but not be limited  
8 to:

9                   (a) Dispenser's Drug Enforcement Administration (DEA) registration number.

10                   (b) Prescriber's DEA registration number.

11                   (c) Date of dispensing.

12                   (d) Prescription number.

13                   (e) Number of refills granted.

14                   (f) National Drug Code (NDC) of drug dispensed.

15                   (g) Quantity dispensed.

16                   (h) Number of days supply of drug.

17                   (i) Patient's name.

18                   (j) Patient's address.

19                   (k) Patient's date of birth.

20                   (l) Patient's telephone number, if available.

21                   (m) Date prescription was written by prescriber.

22                   (n) Whether the prescription is new or a refill.

23                   (o) Source of payment for prescription.

24           VII.(a) Except as provided in subparagraphs (b) and (c), each dispenser shall submit the  
25 required information in accordance with transmission methods daily by the close of business on the  
26 next business day from the date the prescription was dispensed.

27                   (b) Veterinarians shall submit the information required under subparagraph (a) no more  
28 than 7 days from the date the prescription was dispensed.

29                   (c) Dispensers who have a federal Drug Enforcement Administration license, but who do  
30 not dispense controlled substances may request a waiver from the requirements of subparagraph (a)  
31 from the department.

32           VIII. The program administrator may issue a waiver to a dispenser that is unable to submit  
33 prescription information by electronic means. Such waiver may permit the dispenser to submit  
34 prescription information by paper form or other means, provided all information required by  
35 paragraph VI is submitted in this alternative format and within the established time limit.

IX. The program administrator may grant a reasonable extension to a dispenser that is unable, for good cause, to submit all the information required by paragraph V within the established time limits.

X. Any dispenser who in good faith reports to the program as required by paragraphs V and VI shall be immune from any civil or criminal liability as the result of such good faith reporting.

126-A:92 Confidentiality.

I. Information contained in the program, information obtained from it, and information contained in the records of requests for information from the program, is confidential, is not a public record or otherwise subject to disclosure under RSA 91-A, and is not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be shared with an agency or institution, except as provided in this subdivision. This paragraph shall not prevent a practitioner from using or disclosing program information about a patient to others who are authorized by state or federal law or regulations to receive program information.

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

III. The department may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified at all levels of use. The department shall not acquire, use or release information from the program for these purposes unless all patient-specific protected health information has been de-identified in accordance with section 164.514(b)(2) of the HIPAA Privacy Rule.

126-A:93 Providing Controlled Drug Prescription Health and Safety Information.

I. The program administrator may provide information in the prescription health and safety program upon request only to the following persons:

(a) By electronic or written request to prescribers, dispensers, and the chief medical examiner and delegates within the state who are registered with the program:

(1) For the purpose of providing medical or pharmaceutical care to a specific patient with whom the requester has a practitioner-patient relationship. This shall not include department staff seeking to access the program for state, federal or private agency purposes, or on behalf of the department or other requesting agency;

(2) For reviewing information regarding prescriptions issued or dispensed by the requester; or

(3) For the purpose of investigating the death of an individual.

(b) By written request, to:

(1) A patient who requests his or her own prescription monitoring information.

(2) The board of dentistry, the board of medicine, the board of nursing, the board of registration in optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy



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board; provided, however, that the request is pursuant to the boards' official duties and responsibilities and the disclosures to each board relate only to its licensees and only with respect to those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to query program information.

(4) A practitioner or consultant retained by the state to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

(c) By electronic or written request on a case-by-case basis to:

(1) A controlled prescription drug health and safety program from another state; provided, that there is an agreement in place with the other state to ensure that the information is used or disseminated pursuant to the requirements of this state.

(2) An entity that operates a secure interstate prescription drug data exchange system for the purpose of interoperability and the mutual secure exchange of information among prescription drug monitoring programs, provided that there is an agreement in place with the entity to ensure that the information is used or disseminated pursuant to the requirements of this state.

II. The program administrator shall notify the appropriate regulatory board listed in subparagraph I(b)(2) and the prescriber or dispenser at such regular intervals as may be established by the department if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred. The program administrator shall provide prescription information required or necessary for an investigation.

III. The program administrator shall review the information to identify information that appears to indicate whether a person may be obtaining prescriptions in a manner that may represent misuse or abuse of schedule II-IV controlled substances. When such information is identified, the program administrator shall notify the practitioner who prescribed the prescription.

IV. The program administrator shall make a report, at least annually, commencing on November 1, 2021, to the senate president, the speaker of the house of representatives, the oversight committee on health and human services, established in RSA 126-A:13, the advisory council established in RSA 126-A:96 and the licensing boards of all professions required to use the program relative to the effectiveness of the program.

126-A:94 Unlawful Act and Penalties.

I. Any dispenser or prescriber who fails to submit the information required in RSA 126-A:91 or knowingly submits incorrect information shall be subject to a warning letter and provided with an

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1 opportunity to correct the failure. Any dispenser or prescriber who subsequently fails to correct or  
2 fails to resubmit the information may be subject to discipline by the appropriate regulatory board.

3 II. Any dispenser or prescriber whose failure to report the dispensing of a schedule II-IV  
4 controlled substance that conceals a pattern of diversion of controlled substances into illegal use  
5 shall be guilty of a violation and subject to the penalties established under RSA 318-B:26 and the  
6 department's and appropriate regulatory board's rules as applicable. In addition, such dispenser or  
7 prescriber may be subject to appropriate criminal charges if the failure to report is determined to  
8 have been done knowingly to conceal criminal activity.

9 III. Any person who engages in prescribing or dispensing of controlled substances in  
10 schedule II-IV without having registered with the program may be subject to discipline by the  
11 appropriate regulatory board.

12 IV. Any person, including department staff, authorized to receive program information who  
13 knowingly discloses such information in violation of this subdivision shall be subject to discipline by  
14 the appropriate regulatory board and to all other relevant penalties under state and federal law.

15 V. Any person authorized to receive program information who uses such information for a  
16 purpose in violation of this subdivision shall be subject to disciplinary action by the appropriate  
17 regulatory board and to all other relevant penalties under state and federal law.

18 VI. Unauthorized use or disclosure of program information shall be grounds for disciplinary  
19 action by the relevant regulatory board.

20 VII. Any person who knowingly accesses, alters, destroys, or discloses program information  
21 except as authorized in this subdivision or attempts to obtain such information by fraud, deceit,  
22 misrepresentation, or subterfuge shall be guilty of a class B felony.

23 126-A:95 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, necessary to  
24 implement and maintain the program including:

25 I. The criteria for registration by dispensers and prescribers.

26 II. The criteria for a waiver pursuant to RSA 126-A:91, VIII for dispensers with limited  
27 electronic access to the program.

28 III. The criteria for reviewing the prescribing and dispensing information collected by the  
29 program.

30 IV. The criteria for reporting matters to the applicable health care regulatory board for  
31 further investigation.

32 V. The criteria for notifying practitioners of individuals that are engaged in obtaining  
33 controlled substances from multiple practitioners or dispensers.

34 VI. Content and format of all forms required under this subdivision.

35 126-A:96 Advisory Council Established.

36 I. There is hereby established an advisory council to carry out the duties under this  
37 subdivision. Members of the council shall not be compensated for serving on the council, or serve on

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the council for more than one 5-year term except for the attorney general, or designee, or the commissioner of the department of health and human services, or designee. The members of the council shall be as follows:

- (a) A member of the board of medicine, appointed by such board.
- (b) A member of the pharmacy board, appointed by such board.
- (c) A member of the board of dental examiners, appointed by such board.
- (d) A member of the New Hampshire board of nursing, appointed by such board.
- (e) A member of the board of veterinary medicine, appointed by such board.
- (f) A physician appointed by the New Hampshire Medical Society.
- (g) A dentist appointed by the New Hampshire Dental Society.
- (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.
- (i) A community pharmacist appointed jointly by the New Hampshire Pharmacists Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire Association of Chain Drug Stores.
- (j) Two public members appointed by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, one of whom may be a member of the commission.
- (k) A hospital administrator appointed by the New Hampshire Hospital Association.
- (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner Association.
- (m) A veterinarian appointed by the New Hampshire Veterinary Medical Association.
- (n) The attorney general, or designee.
- (o) The commissioner of the department of health and human services, or designee.
- (p) A member of the senate, appointed by the president of the senate.
- (q) Two members of the house of representatives, appointed by the speaker of the house of representatives.

II. The council shall:

- (a) Make recommendations to the department relating to the design, implementation, and maintenance of the program, including recommendations relating to:
  - (1) Rules.
  - (2) Legislation.
  - (3) Sources of funding, including grant funds and other sources of federal, private, or state funds;
- (b) Review the program's annual report and make recommendations to the department regarding the operation of the program.
- (c) Provide ongoing advice and consultation on the implementation and operation of the program, including recommendations relating to:
  - (1) Changes in the program to reflect advances in technology and best practices.

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(2) Changes to statutory requirements.

(3) The design and implementation of an ongoing evaluation component of the program.

(d) Advise the commissioner regarding the implementation of this subdivision.

(e) Adopt rules necessary for the operation of the council.

(f) Develop a mission statement for the program and strategic goals for its implementation, develop metrics in conjunction with the legislative budget assistant to measure the program's efficient operation, review the performance of the program against the metrics, and make recommendations to the program and ensure they are incorporated.

III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be elected by the members. A majority of the members of the council constitutes a quorum for the transaction of business. Action by the council shall require the approval of a majority of the members of the council.

IV. Members of the advisory council, previously established in RSA 318-B:38, shall be appointed as members of the advisory council established under this section to the extent possible.

126-A:97 Competency Requirements. Except for veterinarians who shall complete continuing education requirements in accordance with RSA 332-B:7-a, XV, all prescribers required to register with the program who possess a United States Drug Enforcement Administration (DEA) license number shall complete 3 contact hours of free appropriate prescriber's regulatory board-approved online continuing education or pass an online examination, in the area of pain management and addiction disorder or a combination, as a condition for initial licensure and license renewal. Verification of successful completion of the examination or of the required continuing education shall be submitted to the prescriber's regulatory board with the licensee's application for initial licensure or renewal. A list of the prescriber's regulatory boards' approved continuing education courses and online examinations in pain management and addiction disorder, shall be available on the department of health and human service's Internet website.

46 Repeal. OPLC; Controlled Drug Prescription Health and Safety Program. RSA 318-B:31-38, relative to the controlled drug prescription health and safety program, are repealed.

47 Reference Corrected. Veterinary Board. Amend RSA 332-B:3, I (b) to read as follows:

(b) Representing the board on the advisory council established in RSA ~~[318-B:38]~~ **126-A:96**;

48 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2023.

49 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2023, the liquor commission, for purposes of supporting merchant card activity, may:

I. Implement necessary business strategies in the event of a disaster or loss of services to insure the continuity of the commission's business operations, including the processing of merchant

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1 cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in  
2 consultation with the commissioner of the department of information technology. The commissioner  
3 shall report to the fiscal committee of the general court within 30 days any instances where it would  
4 need to implement such business strategies, including any costs and loss of revenue associated with  
5 the disaster or loss of services and the implementation of such business strategies.

6 II. Enter into contracts for technical and hosting services to support retail operations and  
7 merchant card processing. The commission shall comply with RSA 176:18 for any contracts entered  
8 into to support retail operations and merchant card processing.

9 III. Hire information technology technical support personnel to support its merchant card  
10 activity and related technical support operations in retail stores.

11 50 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2023, the  
12 department of education may, subject to the approval of the governor and council, accept gifts,  
13 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and  
14 other organizations or institutions for the purpose of funding appropriations for New Hampshire  
15 scholars made in accounting unit 06-56-56-562010-7534.

16 51 Certain Differential Aid Calculations; Fiscal Year 2022.

17 I. Average Daily Membership in Attendance; Fiscal Year 2022. The commissioner of the  
18 department of education shall compare the average daily membership in attendance (ADMA),  
19 defined in RSA 198:38, for each district and town for school year 2019-2020 and school year 2020-  
20 2021. The greater enrollment shall be used to calculate the cost of an opportunity for an adequate  
21 education under RSA 198:40-a and relief funding under RSA 198:40-e for the fiscal year ending June  
22 30, 2022.

23 II. When determining ADMA for third grade pupils scoring below proficiency on the reading  
24 component of the state assessment as required by RSA 198:40-a, II(e) for the fiscal year ending June  
25 30, 2022, the commissioner of the department of education shall compare the ADMA for this  
26 category of differentiated aid in school year 2018-2019 and school year 2020-2021. The greater  
27 ADMA shall be used to calculate the cost of an opportunity for an adequate education under RSA  
28 198:40-a, II(e) for the fiscal year ending June 30, 2022.

29 52 Conditional Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price Meal;  
30 Fiscal Year 2023.

31 I. If, as of any of the dates set forth in RSA 198:41, V, VI, or VII, either (a) the state of New  
32 Hampshire is in a declared state of emergency pursuant to RSA 4:45 as it relates to the COVID-19  
33 pandemic or (b) the U.S. Department of Agriculture has not rescinded the Child Nutrition Covid-19  
34 Waivers enacted in response to the pandemic, or both, then the department of education shall, in  
35 consultation with the governor, determine whether the alternative differential aid calculation set  
36 forth in paragraph II is required for fiscal year 2023 when making the required estimate or final  
37 determination described in RSA 198:41, V, VI, or VII as applicable.

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1           II. Upon making a determination that the alternative differential aid calculation applies  
2 pursuant to paragraph I, the department of education shall divide each pupil in the ADMA who is  
3 eligible for a free or reduced price meal by the average daily member in attendance (ADMA), defined  
4 in RSA 198:38, for each district and town for school year 2019-2020. The percentage shall be applied  
5 to the ADMA for school year 2021-2022 to establish a new calculation of ADMA for who is eligible for  
6 a free or reduced price meal. The greater of the ADMA of pupils who are eligible for a free or  
7 reduced price meal for school year 2021-2022 and the new calculation based on the 2019-2020 school  
8 year percentage shall be used to calculate the differential aid under RSA 198:40-a, II(b) and relief  
9 aid under RSA 198:40-e.

10           53 New Section; Relief Funding. Amend RSA 198 by inserting after section 40-d the following  
11 new section:

12           198:40-e Relief Funding.

13           I. In a school district in which 48 percent or more of the ADMA is eligible to receive a free or  
14 reduced-priced meal, an additional \$600 for each pupil in the ADMA who is eligible for a free or  
15 reduced-priced meal.

16           II. In a school district in which at least 12 percent but less than 48 percent of the ADMA is  
17 eligible to receive a free or reduced-priced meal, an amount equal to \$150 plus \$0.1250 for each 0.01  
18 percent that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in the  
19 ADMA who is eligible for a free or reduced-priced meal.

20           III. A school district in which less than 12 percent of the ADMA is eligible to receive a free or  
21 reduced-priced meal shall receive no additional aid under this section.

22           IV. The department of education shall adjust aid to each district calculated under this  
23 section to the statewide total of \$17,500,000. Adjustments under this paragraph shall be made on a  
24 pro-rata basis.

25           54 Additional Aid to Education. The governing body of a school district may call a special  
26 meeting pursuant to RSA 197:3-a to determine how any adjustment in education aid shall be  
27 budgeted.

28           55 Transfer; Education Trust Fund. At the close of the fiscal year ending June 30, 2021, the  
29 state treasurer shall transfer the sum of \$35,000,000 from the education trust fund surplus to a  
30 restricted account under the department of education for purposes of providing relief funding  
31 pursuant to RSA 198:40-e for fiscal years 2022 and 2023.

32           56 Effective Date. Section 55 of this act shall take effect June 30, 2021.

33           57 New Subparagraph. Amend RSA 198:41, I by inserting after subparagraph (c) the following  
34 new subparagraph:

35                   (d) Add the municipality's additional aid for relief funding pursuant to RSA 198:40-e.

36           58 Department of Education; State Maintenance of Equity; Biennium Ending June 30, 2023.

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1           I. For the biennium ending June, 30, 2023, the department of education shall determine, in  
2 consultation with the governor, whether the state of New Hampshire is compliant with the state  
3 maintenance of equity requirements of Section 2004(b) of the American Rescue Plan Act of 2021. If  
4 it is determined that the high-need and highest poverty local educational agencies as referenced in  
5 Section 2004(b) and defined in Section 2004(d) of the American Rescue Plan Act of 2021 have  
6 experienced a greater reduction in state aid per pupil than the state maintenance of equity  
7 requirements permit under the American Rescue Plan Act for either fiscal year 2022 or 2023, the  
8 department of education, with the approval of the fiscal committee of the general court, shall  
9 increase state aid to such agencies to bring the state into compliance.

10           II. If state aid is increased pursuant to paragraph I to achieve compliance with Section  
11 2004(b) of the American Rescue Plan Act of 2021, the department of education shall determine if the  
12 increase brings the state into compliance by eliminating an overall per-pupil reduction in state  
13 funds, in which case the department shall issue the state aid on a prorated basis to the local  
14 educational agency or agencies needing an increase in state aid in order to achieve compliance.

15           III. Any state aid distributed under this section shall be an education grant in addition to  
16 the state grant calculated under RSA 198:41 and shall be distributed to school districts accordingly.  
17 Depending on how the United States Department of Education allows states to define "pupil" as it  
18 relates to determining state aid per pupil under Section 2004(b) of the American Rescue Plan Act of  
19 2021, the department of education may experience delays in accurately collecting pupil data to meet  
20 the definition as defined by the United States Department of Education, thereby delaying the  
21 calculation of the grant award. If such delay occurs, the department of education may issue the  
22 grants described in this section up to 120 days after the end of the applicable fiscal year being  
23 assessed for compliance with federal law.

24           IV. In seeking fiscal committee approval and establishing grants under this section, the  
25 department of education may calculate the grants in manner that increases the likelihood of  
26 compliance with Section 2004(b) of the American Rescue Plan Act of 2021 while utilizing the  
27 minimum amount of state resources. The department of education may also make minor rounding  
28 adjustments to the grant awards under the condition all rounding adjustments are applied in a  
29 consistent and uniform manner.

30           V. In the event grants are required to be disbursed to districts, the commissioner of  
31 education may request the fiscal committee of the general court to authorize additional funding.  
32 Funds requested and approved shall be a charge to the education trust fund. Such warrants for  
33 payment shall be issued regardless of the balance of funds available in the education trust fund. If  
34 the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the  
35 comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The  
36 commissioner of the department of administrative services shall inform the fiscal committee and the

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governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of any grant or transfer of funds authorized under this chapter.

59 Appropriation; Department of Education. For the biennium ending June 30, 2023, the sum of \$3,000,000 is hereby appropriated to the department of education for the purpose of funding operating costs for a state student data collection and reporting system. Said appropriation shall be a charge against the education trust fund.

60 Education Trust Fund Created and Invested. Amend RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts and to approved charter schools pursuant to RSA 198:42, to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, ***to distribute school building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b, to distribute tuition and transportation funds to school districts for students attending career and technical education programs pursuant to RSA 188-E:9, to distribute special education aid to school districts pursuant to RSA 186-C:18, to fund department of education operating costs for a state student data collection and reporting system,*** and to fund kindergarten programs as may be determined by the general court. The state treasurer shall deposit into this fund immediately upon receipt:

(a) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-A:20-a, relative to business profits taxes.

(b) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 77-E:14, relative to business enterprise tax.

(c) Funds collected and paid over to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-A:26, III relative to the tax on motor vehicle rentals.

(d) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 78:24, relative to tobacco taxes.

(e) Funds certified to the state treasurer by the commissioner of revenue administration pursuant to RSA 78-B:13, relative to real estate transfer taxes.

(f) Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

(g) [Repealed.]

(h) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes and the lottery.

(i) Tobacco settlement funds in the amount of \$40,000,000 [~~annually~~] or, ***for any year in which the total tobacco settlement funds received by the state is less than \$40,000,000, the total amount of tobacco settlement funds received by the state.***

(j) The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4



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1 which were apportioned to school districts in the property tax rate calculations in 1998.

2 (k) Funds collected and paid over to the state treasurer by the lottery commission  
3 pursuant to RSA 284:44, RSA 284:47, and RSA 287-I.

4 (l) Any other moneys appropriated from the general fund.

5 61 Transfer; Education Trust Fund. The comptroller shall transfer the following amounts from  
6 the education trust fund to the public school infrastructure fund established in RSA 198:15-y:  
7 \$1,000,000 on July 1, 2021 and \$1,000,000 on July 1, 2022.

8 62 Public School Infrastructure Fund. Amend RSA 198:15-y to read as follows:  
9 198:15-y Public School Infrastructure Fund.

10 I. The general court recognizes that there is a need to provide funding for infrastructure  
11 projects for public elementary and secondary schools. Therefore, it is the intent of this chapter to  
12 designate certain surplus funds in the 2016-2017 biennial budget to provide grants to fund select  
13 school infrastructure projects in accordance with this chapter.

14 II. There is hereby established in the office of the state treasurer the public school  
15 infrastructure fund which shall be kept distinct and separate from all other funds and which shall be  
16 administered by the department of education. After transferring sufficient funds to the revenue  
17 stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer  
18 shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the  
19 official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys  
20 shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated.  
21 The department of education may retain up to 3 percent of the total annual appropriation of the  
22 public school infrastructure fund on or after July 1, 2019, to be used to administer the public school  
23 infrastructure program. ~~[Any unexpended or unencumbered balance as of June 30, 2021 shall be~~  
24 ~~transferred to the general fund.]~~

25 III. The governor, in consultation with the public school infrastructure commission, may  
26 authorize fund expenditures with approval of the fiscal committee of the general court and the  
27 executive council. Funds may be expended for the following purposes:

28 (a) A school building or infrastructure proposal in which the condition of such school  
29 building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants  
30 or other persons and requires remediation as soon as practicable.

31 (b) A school building or infrastructure proposal in which a structural deficiency in the  
32 function or operation of a school building or portion thereof presents a substantial risk to the life or  
33 safety of the occupants or other persons and is more than a technical violation of the fire code, and  
34 requires remediation as soon as practicable.

35 (c) Support of fiber optic connections for schools to enhance and improve reliance on  
36 Internet technology tools, provided matching funds are available.

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(d) Funding for the department of safety, division of homeland security and emergency management's school emergency readiness program to improve security in public schools, after the completion of a security assessment, and in consultation with municipal officials.

(e) A school building or infrastructure proposal which is necessary to comply with Americans with Disabilities Act (ADA) regulations.

(f) ***Energy efficient school buses or other vehicles used for transportation of students.***

(g) Other school building or infrastructure needs the governor, in consultation with the public school infrastructure commission, may identify, except for school building aid projects that are otherwise prohibited by law.

***IV. In order for a school to be eligible for a grant from the public school infrastructure fund, the public school infrastructure commission in consultation with the department of education shall determine that the school has a need unmet by federal stimulus funds for the project.***

63 Repeal. 2017, 156:72, relative to the prospective repeal of the public school infrastructure fund and commission, is repealed.

64 Department of Agriculture, Markets, and Food; Integrated Pest Management Program. Amend RSA 430:50, II to read as follows:

II. There is established a nonlapsing fund to be known as the integrated pest management fund. Twenty-five percent of the pesticide registration fees collected under RSA 430:38, III shall be deposited in the fund. The fund shall only be used to support the purposes of the integrated pest management program ***and the division of pesticide control.*** The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund.

65 Department of Business and Economic Affairs; New Hampshire Economic Development Fund. Amend RSA 12-O:21 to read as follows:

12-O:21 New Hampshire Economic Development Fund.

I. There is hereby established the New Hampshire economic development fund which shall be administered by the commissioner of the department of business and economic affairs. Said fund shall be for the purpose of providing funds for grants, loans and other economic development initiatives which shall be generally considered to be beneficial to the state's overall economy as provided for in paragraph II.

II. Said fund shall be distributed or expended by the commissioner with prior approval of the fiscal committee of general court and the governor and council for any of the following purposes:

(a) Business financing and expansion initiatives.

(b) ~~[Job]~~ ***Workforce recruitment*** retention and creation.

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- 1 (c) International trade.
- 2 (d) Research and development activities.
- 3 (e) Other projects or programs recognized as being beneficial to business activity in New
- 4 Hampshire.

5 III. To maximize the economic impact of expenditures from this fund, and to leverage

6 additional funding from other sources, the commissioner may contract with such organizations as,

7 but not limited to, the following:

- 8 (a) [~~New Hampshire Business Development Corporation~~] ***Chambers of commerce.***
- 9 (b) [~~Small Business Investment Corporation~~] ***Regional economic development or***
- 10 ***planning organizations.***

- 11 (c) Innovation Research Center.
- 12 (d) Small Business Development Center.

13 IV. All moneys ***appropriated to the fund as well as moneys*** returned to the department

14 as a result of contracts between the commissioner and any other party as authorized shall be

15 redeposited into the New Hampshire economic development fund. In addition, the department may

16 accept gifts, grants, donations or other moneys for the purposes of this section. Said moneys shall be

17 deposited into the New Hampshire economic development fund.

18 66 New Section; Department of Business and Economic Affairs; Director of Intergovernmental

19 Affairs. Amend RSA 12-O by inserting after section 5 the following new section:

20 12-O:5-a Director of Intergovernmental Affairs.

21 I. There is established in the office of the commissioner the unclassified position of director

22 of intergovernmental affairs. The director shall be qualified to hold that position by reason of

23 education and experience and shall perform such duties as the commissioner from time to time may

24 authorize.

25 II. The commissioner shall nominate for appointment by the governor, with the consent of

26 the council, this unclassified director of intergovernmental affairs who shall serve for a term of 4

27 years.

28 III. The salary of the director of intergovernmental affairs shall be determined after

29 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for

30 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

31 IV. Upon completion of the appointment of the first director of intergovernmental affairs,

32 position number 40049 shall be abolished to allow for the transition of this classified position with

33 its available appropriations into the unclassified position of director of intergovernmental affairs.

34 Funding shall be transferred into a new expenditure class number 11 within accounting unit 03-22-

35 22-220010-2007.

36 67 Repeal. RSA 12-O:11-a, relative to the bureau of film and digital media, is repealed.

68 Reference Deleted. Department of Business and Economic Affairs. Amend RSA 12-O:2, I to read as follows:

I. There shall be a department of business and economic affairs under the executive direction of a commissioner of business and economic affairs, consisting of a division of economic development which shall include but not be limited to a bureau of workforce development, and a division of travel and tourism development which shall include but not be limited to a bureau of visitor service ~~[and a bureau of film and digital media]~~. The department's purpose shall be to ensure the efficient coordinated function of the department, economic development policies of the state of New Hampshire and the collaborative participation of all related state departments, agencies, and authorities.

69 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of travel and tourism development, are hereby suspended for the biennium ending June 30, 2023.

70 Department of Corrections; Transfer Authority. The following classes within the department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c, classes 10-personal services-perm classified, 11-personal services unclassified, 12-personal services-unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The department is authorized to transfer funding in these classes within and amongst all accounting units provided that any transfer of \$100,000 or more shall require prior approval of the fiscal committee of the general court and governor and council. The provisions in this paragraph shall remain in effect for the biennium ending June 30, 2023.

71 Equipment Purchases. Amend RSA 622:28-a,V to read as follows:

V. All purchases of materials, supplies, and equipment into the inventory account shall be made in accordance with the provisions of RSA 21-I:11 and any equipment purchase in excess of ~~[\$5,000]~~ ***the approval threshold for contracts set by the governor and council manual of procedures***, and made under the provisions of this section, shall require the prior approval of both the fiscal committee of the general court and the governor and council.

72 Department of Environmental Services; Appropriation Extended. Amend 2019, 346:304, I to read as follows:

I. The sum of \$6,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the department of environmental services for the purpose of studying, investigating, and testing for contamination caused by perfluorinated chemicals, and the preliminary design for a treatment system for such contamination. This appropriation shall not lapse until June 30, ~~[2021]~~ **2023**. Such appropriation shall be a charge against the drinking water and groundwater trust fund established in RSA 6-D:1.

73 Effective Date. Section 72 of this act shall take effect June 30, 2021.

74 State Aid Grants; Department of Environmental Services.

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I. Notwithstanding RSA 486, for the biennium ending June 30, 2023, no state aid grants shall be made for any new infrastructure projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or RSA 149-M, except that infrastructure projects that have achieved substantial completion by December 31, 2019, shall be eligible for state aid grants, subject to availability of funding and in accordance with other provisions of current law. Nothing in this section shall affect the provision of the future water supply land protection grants under RSA 486-A if funding is available for such purposes.

II. The sum of \$15,576,939 for the fiscal year ending June 30, 2021 is hereby appropriated to the department of environmental services for the purpose of funding payments on existing grants. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Said appropriation shall not lapse until June 30, 2023.

75 Effective Date. Section 74 of this act shall take effect June 30, 2021.

76 Office of Professional Licensure and Certification; Renaming and Reorganizing of Divisions. Amend RSA 310-A:1-a to read as follows:

310-A:1-a Office of Professional Licensure and Certification; Division of ~~Technical Professions~~ **Licensing and Board Administration** and Division of ~~Health Professions~~ **Enforcement** Established. There shall be an office of professional licensure and certification that shall consist of the division of ~~technical professions~~ **licensing and board administration** and the division of ~~health professions~~ **enforcement**.

I. The ~~division of technical professions~~ **office of professional licensure and certification** shall consist of each of the boards, councils, and commissions of:

- (a) Professional engineers under RSA 310-A:3.
- (b) Architects under RSA 310-A:29.
- (c) Land surveyors under RSA 310-A:55.
- (d) Natural scientists under RSA 310-A:81.
- (e) Foresters under RSA 310-A:100.
- (f) Professional geologists under RSA 310-A:120.
- (g) Landscape architects under RSA 310-A:142.
- (h) Court reporters under RSA 310-A:163.
- (i) Home inspectors under RSA 310-A:186.
- (j) Accountants under RSA 309-B:4.
- (k) Manufactured housing installers under RSA 205-D:2.
- (l) Real estate appraisers under RSA 310-B:4.
- (m) Electricians under RSA 319-C:4.
- (n) Board of manufactured housing under RSA 205-A:25.
- (o) Guardians ad litem under RSA 490-C:1.
- (p) Family mediators under RSA 328-C:4.

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(q) Real estate commission under RSA 331-A:5.

(r) Septic system evaluators under RSA 310-A:206.

~~[II. The division of health professions shall consist of each of the boards, councils, commissions, and practices of:~~

~~(a)~~ **(s)** Hearing care providers under RSA ~~[137-F:3]~~ **326-F and RSA 328-F.**

~~(b)~~ **(t)** Examiners of nursing home administrators under RSA 151-A:3.

~~(c)~~ **(u)** Podiatry under RSA 315:1.

~~(d)~~ **(v)** Chiropractic examiners under RSA 316-A:2.

~~(e)~~ **(w)** Dental examiners under RSA 317-A:2.

~~(f)~~ **(x)** Registration of funeral directors and embalmers under RSA 325:2.

~~(g)~~ **(y)** Midwifery council under RSA 326-D:3.

~~(h)~~ **(z)** Licensed dietitians under RSA 326-H:7.

~~(i)~~ **(aa)** Optometry under RSA 327:2.

~~(j)~~ **(bb)** Naturopathic board of examiners under RSA 328-E:7.

~~(k)~~ **(cc)** Licensed allied health professionals under RSA 328-F:3.

~~(l)~~ **(dd)** Acupuncture licensing under RSA 328-G:3.

~~(m)~~ **(ee)** Psychologists under RSA 329-B:3.

~~(n)~~ **(ff)** Mental health practice under RSA 330-A:3.

~~(o)~~ **(gg)** Licensing for alcohol and other drug use professionals under RSA 330-C:3.

~~(p)~~ **(hh)** Electrologists under RSA 314:2-a.

~~(q)~~ **(ii)** Body art practitioners under RSA 314-A.

~~(r)~~ **(jj)** Ophthalmic dispensers under RSA 327-A:2.

~~(s)~~ **(kk)** Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-H:6.

~~(t)~~ **(ll)** Massage therapists under RSA 328-B:5.

~~(u)~~ **(mm)** Medicine under RSA 329:2.

~~(v)~~ **(nn)** Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-B:26.

~~(w)~~ **(oo)** Pharmacy under RSA 318:2.

~~(x)~~ **(pp)** Barbering, cosmetology, and esthetics under RSA 313-A:2.

~~(y)~~ **(qq)** Medical technicians under RSA 328-I:2.

~~(z)~~ **(rr)** Medical imaging and radiation therapists under RSA 328-J:1.

**(ss) Board of veterinary medicine under RSA 332-B.**

**(tt) Mechanical licensing board under RSA 153:27-a.**

~~[III.]~~ **II.** Administrative rules adopted pursuant to RSA 541-A governing the licensing boards, commissions, and councils set forth in ~~[paragraphs I and II]~~ **paragraph I** shall remain in effect until amended, expired, or repealed.

77 Temporary Licensing Process; Reference Change. Amend RSA 310-A:1-f, I to read as follows:

I. Health care professionals shall ~~be defined as~~ **include** those individuals licensed by the boards, councils, and commissions within the ~~[division of health professions]~~ **office of professional licensure and certification** as set forth in RSA 310-A:1-a, ~~[II, with the exception of those licensed pursuant to RSA 314, RSA 314-A, RSA 313, RSA 328-B, and RSA 328-H]~~ **who perform specified medical or ancillary services within the scope of his or her authority, as determined by the executive director.**

78 Telemedicine; Reference Change. Amend RSA 310-A:1-g, IV to read as follows:

IV. Notwithstanding any provision of law to the contrary, an out-of-state healthcare professional providing services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by the appropriate licensing board within the ~~[division of health professions]~~ **office of professional licensure and certification**. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

79 Office of Professional Licensure and Certification; Division Directors; Unclassified Positions Established. Amend RSA 310-A:1-c to read as follows:

310-A:1-c Division Directors; **Pharmacy Compliance Investigators**.

I. There is established in the office of professional licensure and certification 2 unclassified directors: The director of the division of ~~[technical professions]~~ **licensing and board administration** and director of the division of ~~[health professions]~~ **enforcement**. Each director shall be qualified to hold that position by reason of education and experience and shall perform such duties as the executive director from time to time may authorize.

II. The executive director shall nominate for appointment by the governor, with the consent of the council, each unclassified division director, each of whom shall serve for a term of 4 years.

**III. There are established in the office of professional licensure and certification the unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy investigator positions. Each investigator shall be qualified for the position by reason of education and experience, shall be nominated by the executive director for appointment by the governor and council, and shall serve at the pleasure of the executive director. The chief pharmacy compliance investigator shall oversee pharmacy compliance and investigations, shall supervise the pharmacy compliance investigators, and shall perform such duties as the executive director from time to time may authorize.**

80 Office of Professional Licensure and Certification; Classified Positions Abolished; Funding Transferred to Unclassified Positions.

I. Upon the appointment of a chief pharmacy compliance investigator and 2 pharmacy investigators to the office of professional licensure and certification, the following positions shall be abolished to allow for the transition of these classified positions with their available appropriations into the unclassified positions established in RSA 310-A:1-c, III. Funding shall be transferred into

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1 expenditure class 011, within accounting unit 01-21-21-216010-33020000. The incumbents in the  
2 abolished classified positions shall be offered the opportunity to seek the executive director's  
3 nomination for the unclassified positions:

4 (a) Pharmacy Board Compliance Investigator, 22008.

5 (b) Pharmacy Board Compliance Investigator, 14337.

6 (c) Program Specialist I/Assistant Pharmacy Inspector, 17094.

7 II. The salary of the unclassified positions shall be determined after assessment and review  
8 of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall  
9 be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

10 81 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I to read as  
11 follows:

12 I.(a) The executive director of the office of professional licensure and certification shall  
13 assess annual or biennial license, certification, and renewal fees, as well as any necessary  
14 administrative fees for each professional regulatory board, council, or commission administered by  
15 the office. ***Such fees shall be sufficient to produce estimated revenues up to 125 percent of***  
16 ***the total operating expenses for the office, as determined by averaging the operating***  
17 ***expenses for the office for the previous 2 fiscal years.***

18 (b) There is hereby established the office of professional licensure and certification fund  
19 into which the fees collected under subparagraph (a) shall be deposited. After paying all costs and  
20 salaries associated with the office, moneys in this fund shall lapse to the general fund at the close of  
21 each ~~[fiscal year]~~ ***biennium.***

22 82 Mechanical Licensing Board; Transfer to Office of Professional Licensure and Certification.  
23 Amend the introductory paragraph of RSA 153:27-a to read as follows:

24 153:27-a Mechanical Licensing Board. There is hereby established as a unit within the ~~[division~~  
25 ~~of fire safety a mechanical licensing board]~~ ***office of professional licensure and certification.***  
26 The term of office for the members appointed to the board shall be 3 years and until a successor is  
27 appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall  
28 be filled in the same manner and for the unexpired terms. No member of the board shall be  
29 appointed to more than 2 consecutive terms. A member of the board shall serve as the board  
30 secretary.

31 83 Appropriation; Internet Crimes Against Children Fund. The sum of \$250,000 for the fiscal  
32 year ending June 30, 2022, and the sum of \$250,000 for the fiscal year ending June 30, 2023, are  
33 hereby appropriated to the New Hampshire Internet crimes against children fund established in  
34 RSA 21-M:17. The governor is authorized to draw a warrant for said sums out of any money in the  
35 treasury not otherwise appropriated.

36 84 Attorney/Administrator. Amend RSA 359-P:4 to read as follows:



359-P:4 Attorney/Administrator. The director shall ~~[hire/appoint a private]~~ **hire an** attorney or administrator who shall ~~[collect gifts and contributions,]~~ review applications for assistance submitted pursuant to this chapter, make awards of assistance in accordance with the procedures of this chapter, and report annually to the director commencing on February 1, ~~[2017]~~ **2022** and each February 1 thereafter. The director shall negotiate the attorney's or administrator's ~~[compensation which in any calendar year shall be no more than 10 percent of any private sector contributions received in that calendar year]~~ **salary and benefit level in accordance with similar levels within the department.**

85 Appropriation; FRM Victims' Contribution Recovery Fund. For the purpose of awarding recovery assistance to victims of the FRM fraud, there is hereby appropriated the sum of \$5,000,000 for the fiscal year ending June 30, 2022, and the sum of \$5,000,000 for the fiscal year ending June 30, 2023, to the FRM victims' contribution recovery fund established in RSA 359-P:2. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

86 Repeal of the Prospective Repeal of FRM Fund. 2016, 293:6, relative to the July 1, 2023 repeal of the FRM victims' contribution recovery fund in RSA 359-P:2, is repealed.

87 Revenue Stabilization Account; Cap. Amend RSA 9:13-e, V to read as follows:

V. If, after the requirements of paragraphs II-IV have been met and the balance remaining in the revenue stabilization reserve account is in excess of an amount equal to 10 percent of the actual general fund unrestricted revenues for the most recently completed fiscal ~~[year]~~ **biennium**, then such excess, less any amounts deposited pursuant to RSA 7:6-e, shall be transferred, without further action, to the general fund surplus account.

88 Appropriation; Department of Health and Human Services. The sums of \$12,401,552 in fiscal year 2022 and \$13,031,765 in fiscal year 2023 are hereby appropriated to the department of health and human services for the purpose of funding one-time maintenance of the legacy Medicaid management information system as the department transitions to new modular information technology systems. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

89 Rate. Amend RSA 77:1 to read as follows:

77:1 Rate.

**I. The annual tax upon incomes shall be levied at the rate of 5 percent for all taxable periods ending before December 31, 2023.**

**II. The annual tax upon incomes shall be levied at the rate of 4 percent for all taxable periods ending on or after December 31, 2023.**

**III. The annual tax upon incomes shall be levied at the rate of 3 percent for all taxable periods ending on or after December 31, 2024.**

1           ***IV. The annual tax upon incomes shall be levied at the rate of 2 percent for all***  
2 ***taxable periods ending on or after December 31, 2025.***

3           ***V. The annual tax upon incomes shall be levied at the rate of 1 percent for all***  
4 ***taxable periods ending on or after December 31, 2026.***

5           90 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 14-B:8, III(q) to read as  
6 follows:

7                   (q) New Hampshire taxes, specifying if business profits tax<sup>[5]</sup> ***or*** business enterprise  
8 tax<sup>[5]</sup> ~~or interest and dividends tax~~.

9           91 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 15-A:5, I(d)(17) to read  
10 as follows:

11                   (17) New Hampshire taxes, specifying if business profits tax<sup>[5]</sup> ***or*** business  
12 enterprise tax<sup>[5]</sup> ~~or interest and dividends tax~~.

13           92 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:31 to read as  
14 follows:

15           21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an  
16 extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount  
17 of the tax due or \$10, whichever is greater, for each month or part of a month during which the  
18 return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of  
19 the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any  
20 case in which a return is filed within the extended filing period as provided in ~~[RSA 77:18-b]~~  
21 RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5, RSA 84-A:7, or RSA 84-C:7, or the failure to file  
22 was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is  
23 determined by applying the percentages specified to the net amount of any tax due after crediting  
24 any timely payments made through estimating or other means.

25           93 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:33-a, I to read as  
26 follows:

27                   I. If there is a substantial understatement of tax imposed under ~~[RSA 77:]~~ RSA 77-A,  
28 RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A, RSA 83-C, RSA 83-E, or RSA 84-A for any taxable  
29 period, there shall be added to the tax an amount equal to 25 percent of the amount of any  
30 underpayment attributable to such understatement.

31           94 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:46, III to read as  
32 follows:

33                   III. This section shall apply only to tax returns and associated payments under ~~[RSA 77:]~~  
34 RSA 77-A<sup>[5]</sup> and RSA 77-E.

35           95 References to Interest and Dividends Tax Deleted; 2027. Amend RSA 71-C:4, I and II to  
36 read as follows:

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I. On or before December 15 of every fiscal year the commissioner of the department of revenue administration shall certify in a report to the general court and the governor an analysis of each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed under ~~[RSA 77,]~~ RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A.

II. The report shall be divided into the following parts:

(a) Tax expenditures as determined by the joint committee on tax expenditure review under RSA 71-C:3;

(b) Potential liabilities against the state's revenues, specifically:

(1) Other credits allowed under ~~[RSA 77,]~~ RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, RSA 78-B, RSA 82, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A against the business profits tax imposed by RSA 77-A; and

(2) Credit carryovers from overpaid taxes.

96 Education Tax Credit Scholarship Organizations; 2027. Amend RSA 77-G:3 to read as follows:

77-G:3 Contributions to Scholarship Organizations. For each contribution made to a scholarship organization, a business organization, business enterprise, or individual may claim a credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA 77-A, against the business enterprise tax due pursuant to RSA 77-E, ~~[against the tax on interest and dividends under RSA 77,]~~ or apportioned against each provided the total credit granted shall not exceed the maximum education tax credit allowed. Credits provided under this chapter shall not be deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration shall not grant the credit without a scholarship receipt. No business organization, business enterprise, or individual shall direct, assign, or restrict any contribution to a scholarship organization for the use of a particular student or nonpublic school. No business organization, business enterprise, or individual shall receive more than 10 percent of the aggregate amount of tax credits permitted in RSA 77-G:4.

97 Education Tax Credit Scholarship Organizations; 2027. Amend RSA 77-G:5, I, (i)(2) to read as follows:

(2) Not knowingly award a scholarship to any lineal descendant or equivalent step-person of any proprietor, partner, or member of any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax~~[,]~~ **or** business enterprise tax, ~~[or tax on interest and dividends,]~~ nor any lineal descendant or equivalent step-person of any officer, director, or owner of more than a 5 percent interest in any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax~~[,]~~ **or** business enterprise tax, ~~[or tax on interest and dividends,]~~ nor any employee who is among the highest-paid

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20 percent of paid employees in any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax~~[~~  
~~or business enterprise tax~~~~], or tax on interest and dividends~~].

98 Issuance of Electric Rate Reduction Bonds; 2027. Amend RSA 369-B:5, VI to read as follows:

VI. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and as the exercise of such powers shall constitute the performance of an essential public function, neither any electric utility, any affiliate of any electric utility, any financing entity, nor any collection or other agent of any of the foregoing shall be required to pay any taxes or assessments upon or in respect of any revenues or property received, acquired, transferred, or used by any electric utility, any affiliate of any electric utility, any financing entity, or any collection or other agent of any of the foregoing under the provisions of this chapter or upon or in respect of the income therefrom, and any rate reduction bonds shall be treated as notes or bonds of a political subdivision of the state ~~[for purposes of RSA 77]~~.

99 Repeals; Interest and Dividends Taxation; 2027. The following are repealed:

I. RSA 21-J:45, I(c), relative to reports on status of requested interest and dividends tax refunds.

II. RSA 77, relative to taxation of incomes.

III. RSA 77-A:4-c, II(c), relative to the duty of a committee to study the taxation of distributions received by investment organizations under the interest and dividends tax.

IV. RSA 77-A:4, I, relative to an adjustment to the business profits tax for taxes under RSA 77.

V. RSA 195-H:10, relative to exemption from RSA 77 for income and distributions from qualified tuition programs.

VI. RSA 195-K:4, relative to exemption from RSA 77 for income and distributions in the ABLE savings account program.

VII. RSA 261:52-a, relative to notice that the interest and dividends tax may be due.

VIII. RSA 391:3, relative to the taxation of common trust funds under RSA 77.

100 Returns for Interest and Dividends Taxes; 2027. All persons who are liable for a tax under RSA 77 as of December 31, 2026, who thereafter are no longer liable for a tax under RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the audit and collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation under that chapter through December 31, 2026, and to permit the distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of

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1 federal income taxes on a calendar year basis are entitled to such proportion of the exemptions  
2 allowed in RSA 77 as the reporting period bears to their taxable year.

3 101 Application; Repeal of RSA 77. Paragraph II of section 99 shall apply to taxable periods  
4 beginning after December 31, 2026.

5 102 Effective Date.

6 I. Section 89 of this act shall take effect January 1, 2022.

7 II. Sections 90-100 of this act shall take effect January 1, 2027.

8 103 Imposition of Tax. Amend RSA 78-A:6 to read as follows:

9 78-A:6 Imposition of Tax.

10 I. A tax of [9] **8.5** percent of the rent is imposed upon each occupancy.

11 II. A tax is imposed on taxable meals based upon the charge therefor as follows:

12 (a) Four cents for a charge between \$.36 and \$.37 inclusive;

13 (b) Five cents for a charge between \$.38 and \$.50 inclusive;

14 (c) Six cents for a charge between \$.51 and \$.62 inclusive;

15 (d) Seven cents for a charge between \$.63 and \$.75 inclusive;

16 (e) Eight cents for a charge between \$.76 and \$.87 inclusive;

17 (f) Nine cents for a charge between \$.88 and \$1.00 inclusive;

18 (g) [Nine] ***Eight and a half*** percent of the charge for taxable meals over \$1.00, provided  
19 that fractions of cents shall be rounded up to the next whole cent.

20 II-a. A tax of [9] **8.5** percent is imposed upon the gross rental receipts of each rental.

21 III. The operator shall collect the taxes imposed by this section and shall pay them over to  
22 the state as provided in this chapter.

23 104 Applicability. RSA 78-A:6, as amended by section 103 of this act, shall be applicable to  
24 taxable periods beginning on or after October 1, 2021.

25 105 Effective Date. Sections 103-104 of this act shall take effect upon its passage.

26 106 Business Enterprise Tax; Returns. Amend RSA 77-E:5, I to read as follows:

27 I. Every business enterprise having gross business receipts in excess of [~~\$200,000~~] ***\$250,000***  
28 as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is  
29 greater than [~~\$100,000~~] ***\$250,000*** shall, on or before the fifteenth day of the third month in the case  
30 of enterprises required to file a United States partnership tax return, and the fifteenth day of the  
31 fourth month in the case of all other business enterprises, following expiration of its taxable period,  
32 make a return to the commissioner. For tax years beginning January 1, 2015, the commissioner  
33 shall biennially adjust these threshold amounts rounding to the nearest \$1,000 based on the 2-year  
34 (24-month) percentage change in the Consumer Price Index for All Urban Consumers, Northeast  
35 Region as published by the Bureau of Labor Statistics, United States Department of Labor using the  
36 amount published for the month of June in the year prior to the start of the tax year. All returns

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1 shall be signed by the business enterprise or by its authorized representative, subject to the pains  
2 and penalties of perjury and the penalties provided in RSA 21-J:39.

3 107 Applicability. RSA 77-E:5, I, as amended by section 106 of this act, shall be applicable to  
4 taxable periods ending on or after December 31, 2022.

5 108 Effective Date. Sections 106-107 of this act shall take effect January 1, 2022.

6 109 Business Enterprise Tax; Rate Reduced. Amend RSA 77-E:2 to read as follows:

7 77-E:2 Imposition of Tax.

8 I. For all taxable periods ending on or after December 31, 2019, a tax is imposed at the rate  
9 of 0.6 percent upon the taxable enterprise value tax base of every business enterprise.

10 II. For all taxable periods ending on or after December 31, ~~[2021]~~ **2022**, a tax is imposed at  
11 the rate of ~~[0.675]~~ **0.55** percent upon the taxable enterprise value tax base of every business  
12 enterprise.

13 ~~[III. For all taxable periods ending on or after December 31, 2021, a tax is imposed at the~~  
14 ~~rate of 0.5 percent upon the taxable enterprise value tax base of every business enterprise.~~

15 ~~IV. Upon completion of the audited comprehensive annual report performed pursuant to~~  
16 ~~RSA 21-I:8, II(a), the commissioner of the department of revenue administration shall report the~~  
17 ~~total amount of combined unrestricted general and education trust fund revenue collected for the~~  
18 ~~fiscal year ending June 30, 2020, as reported in the schedule of undesignated/unassigned fund~~  
19 ~~balance for the general fund and education fund, to the secretary of state with copies to the governor,~~  
20 ~~speaker of the house of representatives, the senate president, the fiscal committee of the general~~  
21 ~~court, and the director of the office of legislative services. If the combined amount of general and~~  
22 ~~education trust fund revenue collected, not including sums appropriated to the education trust fund~~  
23 ~~in section 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more below the~~  
24 ~~official revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph II~~  
25 ~~and the rate in paragraph III shall not take effect. If the combined amount of general and education~~  
26 ~~trust fund revenue collected, not including sums appropriated to the education trust fund in section~~  
27 ~~386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more above the official~~  
28 ~~revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph III and the~~  
29 ~~rate in paragraph II shall not take effect. If the combined amount of general and education trust~~  
30 ~~fund revenue collected, not including sums appropriated to the education trust fund in section 386 of~~  
31 ~~this act, for the fiscal year ending June 30, 2020 is not 6 percent or more below or above the official~~  
32 ~~revenue estimates for said fiscal year, the tax shall continue to be imposed at the rate in paragraph~~  
33 ~~I, and the rates in paragraphs II and III shall not take effect.]~~

34 110 Business Profits Tax; Rate Reduced; Contingency Deleted. Amend RSA 77-A:2 to read as  
35 follows:

36 77-A:2 Imposition of Tax.

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I. For all taxable periods ending on or after December 31, 2019, a tax is imposed at the rate of 7.7 percent upon the taxable business profits of every business organization.

~~II. [For all taxable periods ending on or after December 31, 2021, a tax is imposed at the rate of 7.9 percent upon the taxable business profits of every business organization.]~~

~~III.]~~ For all taxable periods ending on or after December 31, ~~[2021]~~ **2022**, a tax is imposed at the rate of ~~[7.5]~~ **7.6** percent upon the taxable business profits of every business organization.

~~[IV. Upon completion of the audited comprehensive annual report performed pursuant to RSA 21-I:8, II(a), the commissioner of the department of revenue administration shall report the total amount of combined unrestricted general and education trust fund revenue collected for the fiscal year ending June 30, 2020, as reported in the schedule of undesignated/unassigned fund balance for the general fund and education fund, to the secretary of state with copies to the governor, speaker of the house of representatives, the senate president, the fiscal committee of the general court, and the director of the office of legislative services. If the combined amount of general and education trust fund revenue collected, not including sums appropriated to the education trust fund in section 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more below the official revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph II and the rate in paragraph III shall not take effect. If the combined amount of general and education trust fund revenue collected, not including sums appropriated to the education trust fund in section 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more above the official revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph III and the rate in paragraph II shall not take effect. If the combined amount of general and education trust fund revenue collected, not including sums appropriated to the education trust fund in section 386 of this act, for the fiscal year ending June 30, 2020 is not 6 percent or more below or above the official revenue estimates for said fiscal year, the tax shall continue to be imposed at the rate in paragraph I, and the rates in paragraphs II and III shall not take effect.]~~

111 Effective Date. Sections 109-110 of this act shall take effect upon its passage.

112 Meals and Rooms Tax; Disposition of Revenue; Fund Established. Amend RSA 78-A:26 to read as follows:

78-A:26 Disposition of Revenue.

I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay over all revenue, except revenues identified in ~~[paragraph III]~~ **paragraphs II and III** of this section, collected under this chapter to the state treasurer. On or before September 15 of each year, the department shall determine the cost of administration of this chapter for the fiscal year ending on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by them as to correctness. After deducting the cost of administration of the chapter from the total income, the state treasurer shall distribute the net income as follows:

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(a) The amount necessary to provide payments of principal and interest on the bonds and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30, 2009 through June 30, 2030; **and**

~~[(b) [Repealed];~~

~~(c) Forty percent of the net income under the introductory paragraph of paragraph I of the most recent fiscal year to the unincorporated towns, unorganized places, towns, and cities. The amount to be distributed to each such town, place, or city shall be determined by multiplying the amount to be distributed by a fraction, the numerator of which shall be the population of the unincorporated town, unorganized place, town or city and the denominator of which shall be the population of the state. The population figures shall be based on the latest resident population figures furnished by the office of strategic initiatives; and~~

~~(d)~~ **(b)** The remainder to the general fund.

II. ~~[Each fiscal year, the amount to be distributed shall be equal to the prior year's distribution plus an amount equal to 75 percent of any increase in the income received from the meals and rooms tax for the fiscal year ending on the preceding June 30, not to exceed \$5,000,000, until such time as the total amount distributed annually is equal to the amount indicated in subparagraph I(c).~~

~~III.]~~ Beginning on July 1, 1999, and for each fiscal year thereafter, the department shall pay over all revenue collected pursuant to RSA 78-A:6, II-a to the state treasurer for deposit in the education trust fund established by RSA 198:39.

**III. On or before December 1, 2021 and each December 1 thereafter, 30 percent of the net income determined under the introductory paragraph of paragraph I of the most recent fiscal year, after deductions for the cost of administration and revenues deposited in the education trust fund pursuant to paragraph II, shall be deposited into the meals and rooms municipal revenue fund for distribution to the unincorporated towns, unorganized places, towns, and cities. The amount to be distributed to each such town, place, or city shall be determined by multiplying the total amount to be distributed by a fraction, the numerator of which shall be the population of the unincorporated town, unorganized place, town, or city and the denominator of which shall be the population of the state. The population figures shall be based on the latest resident population figures furnished by the office of strategic initiatives.**

**IV. There is hereby established in the treasury the meals and rooms municipal revenue fund. Any money deposited into the meals and rooms municipal revenue fund shall be nonlapsing and continually appropriated to the state treasurer for distribution to the unincorporated towns, unorganized places, towns, and cities pursuant to paragraph III.**



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1        113 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting  
2 after subparagraph (364 ) the following new subparagraph:

3                (365) Moneys deposited in the meals and rooms municipal revenue fund established  
4 in RSA 78-A:26, IV.

5        114 Reference Changed; Education Trust Fund. Amend RSA 198:39, I(c) to read as follows:

6                (c) Funds collected and paid over to the state treasurer by the commissioner of revenue  
7 administration pursuant to RSA 78-A:26, [HH] ***II*** relative to the tax on motor vehicle rentals.

8        115 Business Profits Tax; Credit Carry-forward Limited; Payments Due With Returns and  
9 Estimates. Amend RSA 77-A:7, I(b) to read as follows:

10                (b) If the return required by RSA 77-A:6, I shows an additional amount to be due, such  
11 additional amount is due and payable on the prescribed payment date. If such return shows an  
12 overpayment of the tax due, the commissioner shall refund or credit the overpayment to the  
13 taxpayer in accordance with RSA 21-J:28-a, ***except that:***

14                        ***(1) For taxable periods ending on or after December 31, 2022 a credit shall***  
15 ***only be allowed in an amount up to 500 percent of the total tax liability for the taxable***  
16 ***period and the remainder of the overpayment shall be refunded;***

17                        ***(2) For taxable periods ending on or after December 31, 2025 a credit shall***  
18 ***only be allowed in an amount up to 250 percent of the total tax liability for the taxable***  
19 ***period and the remainder of the overpayment shall be refunded; and***

20                        ***(3) For taxable periods ending on or after December 31, 2027 a credit shall***  
21 ***only be allowed in an amount up to 100 percent of the total tax liability for the taxable***  
22 ***period and the remainder of the overpayment shall be refunded.***

23        116 Business Enterprise Tax; Credit Carry-forward Limited; Payments Due With Returns.  
24 Amend RSA 77-E:6, II to read as follows:

25                II. If the return required by RSA 77-E:5, I shows an amount to be due, such amount is due  
26 and payable on the prescribed payment date. If such return shows an overpayment of the tax due,  
27 the commissioner shall refund [such] ***or credit the*** overpayment to the business enterprise [~~or shall~~  
28 ~~allow the enterprise a credit against a subsequent payment or payment due, to the extent of the~~  
29 ~~overpayment, at the enterprise's option]~~ ***in accordance with RSA 21-J:28-a, except that:***

30                        ***(a) For taxable periods ending on or after December 31, 2022 a credit shall only***  
31 ***be allowed in an amount up to 500 percent of the total tax liability for the taxable period***  
32 ***and the remainder of the overpayment shall be refunded;***

33                        ***(b) For taxable periods ending on or after December 31, 2025 a credit shall only***  
34 ***be allowed in an amount up to 250 percent of the total tax liability for the taxable period***  
35 ***and the remainder of the overpayment shall be refunded; and***

*(c) For taxable periods ending on or after December 31, 2027 a credit shall only be allowed in an amount up to 100 percent of the total tax liability for the taxable period and the remainder of the overpayment shall be refunded.*

117 New Section; Commission to Study Limiting the Business Tax Credit Carry Over. Amend RSA 77-A by inserting after section 7-a the following new section:

77-A:7-b Commission to Study Limiting the Business Tax Credit Carry Over.

I. There is a established a commission to study limiting the business tax credit carry over. The members of the commission shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives with at least 2 members from the ways and means committee and one member from the finance committee.

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

(c) The treasurer for the state of New Hampshire, or designee.

(d) The comptroller for the state of New Hampshire, or designee.

(e) The commissioner for the department of revenue administration, or designee.

(f) One member representing the accounting or auditing industry, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission's study shall include, but not be limited to, examining the credit carry over for the business profits tax and business enterprise tax, the liability associated with the credit carry over, and the impact of limiting the credit carry over may have on cash flow and liquidity, and make recommendations on future limitations of the credit carry over. The commission shall also examine whether a business tax credit or other type of credit could be made available to those entities using their credit carry over refund to invest in affordable housing development in New Hampshire and make recommendations on how this type of program would be implemented.

IV. The commission may solicit input from any person or entity the commission deems relevant to its study.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held as soon as practical but not later than 30 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. The commission shall submit a report including its findings and any recommendations for proposed legislation on or before November 1, 2021 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

118 Repeal. RSA 77-A:7-b, relative to the commission to study limiting the business tax credit carry over, is repealed.

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1       119 Effective Date.

2           I. Sections 115-117 of this act shall take effect upon its passage.

3           II. Section 118 of this act shall take effect November 1, 2021.

4       120 New Hampshire Veterans' Home; Unfunded Positions; Authorization. Notwithstanding any  
5 other provision of law to the contrary, the New Hampshire veterans' home may fill unfunded  
6 positions during the biennium ending June 30, 2023, provided that the total expenditure for such  
7 positions shall not exceed the amount appropriated for personal services.

8       121 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding  
9 any provision of law to the contrary, for the biennium ending June 30, 2023, the commandant of the  
10 New Hampshire veterans' home is authorized to transfer funds within and among all accounting  
11 units within the home and to create accounting units and expenditure classes as required and as the  
12 commandant deems necessary and appropriate to address present or projected budget deficits, or to  
13 respond to changes in federal law, regulations, or programs, and otherwise as necessary for the  
14 efficient management of the home, including funding of unfunded positions, provided that if a  
15 transfer does not include new accounting units or expenditure classes, only such transfers of  
16 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the  
17 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and  
18 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of  
19 appropriations from permanent personal services or employee benefits to any other use or purpose.

20       122 Wildlife Damage Control; Limitations for Persons Posting Property. Amend RSA 207:22-a  
21 to read as follows:

22       207:22-a Limitations for Persons Posting Property.

23           **I.** Any person whose land is posted pursuant to RSA 635:4 to prohibit hunting shall forfeit  
24 the right to participate in the wildlife damage control program established pursuant to RSA 207:22-  
25 c, or to receive payment pursuant to RSA 207:23-a, except that this limitation shall not apply in the  
26 following circumstances:

27           ~~[I.]~~ **(a)** To a person who posts only the person's land lying within 100 yards of a dwelling or  
28 other farm or outbuildings contiguous to the person's dwelling and used regularly by the person, or  
29 the person's family or tenant.

30           ~~[II.]~~ **(b)** To any person whose land is posted for the protection of crops only during the closed  
31 season for the type of game birds or animals for which the person seeks assistance from the wildlife  
32 damage control program.

33           ~~[III.]~~ **(c)** To any person who posts such person's land "Hunting by Permission Only",  
34 provided that the names and addresses of the hunters who have received permission to hunt that  
35 land in that year shall be furnished when requested by the executive director, and that in the  
36 judgment of the executive director, the history of hunter access and hunter density represents a  
37 good-faith effort by the landowner to allow hunting.

1           ***II. Any person who has received payment pursuant to RSA 207:23-a shall forfeit the***  
2 ***right to receive payment in a future year or growing season unless such person implements***  
3 ***measures to prevent or mitigate future conflicts with bear that have been recommended in***  
4 ***writing by the executive director or the executive director's agent.***

5           123 Damage by Bears. Amend RSA 207:23-a to read as follows:

6           207:23-a Damage by Bears [~~or Mountain Lions~~].

7           ***I. [A person] Any person engaged in the husbandry and sale of at least \$1,000 in***  
8 ***agricultural products as defined in RSA 21:34-a*** who suffers loss or damage to livestock, bees,  
9 orchards or growing crops, ***in an amount of \$250 or more at the current wholesale value of the***  
10 ***items,*** by bear [~~or mountain lion,~~] shall, if he ***or she*** claims damage therefor, notify the executive  
11 director of fish and game in writing of such damage ***within 30 days of the discovery of such***  
12 ***damage.*** The executive director or [~~his~~] ***the executive director's*** agent shall investigate such  
13 claim within 30 days from the receipt [~~by him~~] of notice of such damage, and [~~within one year~~] ***in***  
14 ***accordance with RSA 541-A:29,*** determine whether such damage was caused by bear [~~or mountain~~  
15 ~~lion~~], and appraise the amount to be paid, ***and notify the claimant in writing of the***  
16 ***determination.***

17           ***II. If the person sustaining the damage claimed under this section is dissatisfied***  
18 ***with the finding of the executive director, such person shall notify the executive director in***  
19 ***writing, and an adjudicative proceeding shall be commenced pursuant to RSA 541-A:31.***

20           ***III. If the person sustaining the damage is dissatisfied with the decision of the***  
21 ***executive director following the adjudicative proceeding, a further appeal shall be***  
22 ***available in accordance with RSA 541.***

23           ***IV. The executive director, [immediately upon making any appraisal of damage thereof]***  
24 ***upon reaching final agreement with the claimant, or after the conclusion of an appeal,***  
25 shall present [~~his~~] ***a*** certificate of the amount of appraisal to the governor, who is authorized to draw  
26 [~~his~~] ***a*** warrant upon any money in the treasury not otherwise appropriated in payment therefor.

27           ***V. The executive director shall, in accordance with RSA 541-A, adopt rules to***  
28 ***administer this provision, to include:***

29               ***(a) Criteria to determine whether a person engaged in the husbandry and sale***  
30 ***of agricultural products as defined in RSA 21:34-a qualifies to be a claimant hereunder,***  
31 ***provided that any such person who shall document gross sales of any qualifying crop of at***  
32 ***least \$1,000 in a calendar year shall be deemed to qualify as a claimant.***

33               ***(b) Procedures used to receive and document claims of damage by bear from***  
34 ***claimants, to include when the damage occurred, which qualifying crop is affected, and***  
35 ***what losses may be fairly attributed to action by such bear;***

36               ***(c) A method to determine the current wholesale value of items covered by this***  
37 ***section, to be used in the process of investigating and adjudicating any claim;***

(d) *Procedures to be used in the conduct of adjudicative proceedings hereunder;*  
*and*

(e) *Criteria to be used to recommend preventive measures and mitigating measures that claimants may use to prevent future harm, and that will be used to determine whether claims in future years shall be allowed for payment.*

124 Repeal. RSA 207:24, relative to an appeal from the executive director, is repealed.

125 Department of Information Technology; Unfunded Positions. Notwithstanding any other provision of law to the contrary, the department of information technology may fill unfunded positions during the biennium ending June 30, 2023, provided that the total expenditure for such positions shall not exceed the amount appropriated for personnel services.

126 Adult Parole Board; Establishment. Amend RSA 651-A:3 to read as follows:

651-A:3 Adult Parole Board; Establishment; Procedures.

I. There shall be an adult parole board with [9] **5** members, **2 of which shall be attorneys with active licenses**. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term.

**II. The composition of the board shall be as follows:**

(a) *One member as chairman.*

(b) *Four additional members, to include:*

(1) *One member with law enforcement or corrections experience, either current or former.*

(2) *One member with criminal justice experience, which may be direct employment experience, current or former, in some capacity within the criminal justice system, or post-secondary school teaching, scholarship, and research pertaining to the criminal justice system.*

(3) *One at-large member who is either an attorney with an active New Hampshire license or a mental health professional with an active New Hampshire license;*

(4) *One at-large member without any categorical designation.*

**III.** The governor shall designate one member as chairman ~~[and the chairman shall designate one other member to serve as chairman in his absence]~~. *The salary of the chairman shall be that established in RSA 94:1-a as grade GG, with appropriate step to be determined in accordance the provisions of RSA 94:1-d. The chairman shall designate one other member to serve as temporary designee chairman in his or her absence, however, the designated chairman shall not receive the chairman's salary or employee status while serving in the chairman's absence.* In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board members shall be paid ~~[\$100 a day plus mileage at the state~~

~~employee rate while engaged in parole hearings or administrative meetings.]~~ ***an annual stipend of \$20,000 for each member, to be paid in equal installments on each state employee pay period date. Board members shall be paid mileage at the state employee rate while engaged in parole hearings or administrative meetings.***

[H] IV. The board shall hold at least ~~[24]~~ ***36 days*** of parole hearings and ***36 days of parole revocation hearings*** each year and may hold more hearings as necessary. Each parole ***and parole revocation*** hearing shall be held by a hearing panel consisting of exactly 3 members of the board. The board shall establish operating procedures which provide for rotation of board members among hearing panels.

V. ***In the event of a pandemic or other extraordinary occurrence declared an emergency by the governor that results in restricted movement or quarantining of inmates at any New Hampshire state prison facility, the parole board may conduct all hearings via teleconference or other video conference technology.***

127 Applicability. On the effective date of section 126 of this act, the current chairman of the adult parole board shall remain chairman and designate 4 current members who fit the criteria outlined in RSA 651-A:3, II(b)(1)-(4) as inserted by section 126 of this act, to remain members of the parole board according to their current terms. In the event that there are not 4 members on the existing board who meet the criteria outlined in RSA 651-A:3, II(b)(1)-(4), the chairman may designate an existing member to temporarily occupy any open member vacancy until a new appointment for the vacancy is nominated by the governor and confirmed by the executive council. Any current members who remain on the board, including the current chairman, shall serve until the expiration of their current terms or until a successor is appointed and qualified.

128 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as follows:

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw a warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the ~~[fiscal year ending in the]~~ preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed the amount appropriated for the fund, which shall include the budget of the workers' compensation division of the department of labor for the fiscal year in which the assessment is made and all other costs of administering this chapter. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the

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1 authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are  
2 to be made.

3 129 Workers' Compensation; Special Fund for Second Injuries. Amend RSA 281-A:55, III to  
4 read as follows:

5 III. Each insurance carrier and self-insurer shall, pursuant to rules adopted by the  
6 commissioner, make payments to the fund in an amount equal to that proportion of 115 percent of  
7 the total obligation of the fund during the preceding 12 months, less the amount of the net assets in  
8 the fund as of March 31 of the current year, which the total workers' compensation benefits,  
9 including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers'  
10 compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in  
11 the ~~fiscal year ending in the~~ preceding calendar year.

12 130 Workers' Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as  
13 follows:

14 I.(a) In a controversy as to the responsibility of an employer or the employer's insurance  
15 carrier for the payment of compensation and other benefits under this chapter, any party at interest  
16 may petition the commissioner in writing for a hearing and award. The petition shall be sent to the  
17 commissioner at the department's offices in Concord and shall set forth the reasons for requesting  
18 the hearing and the questions in dispute which the applicant expects to be resolved. The  
19 commissioner or the commissioner's authorized representative shall schedule a hearing, either in  
20 Concord or at a location nearest the employee as determined by the commissioner, by fixing its time  
21 and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing  
22 date shall be set for a time not to exceed 6 weeks from the date the petition was received. In those  
23 instances where an expedited hearing is requested, the petition for hearing shall set forth the facts  
24 in sufficient detail to support the request for an expedited hearing. The commissioner, or his or her  
25 authorized agent shall, in his or her discretion, determine whether the need exists for an expedited  
26 hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner  
27 to determine whether such requests are given proper attention. The commissioner shall also identify  
28 any overutilization by the requesting parties and responses given to such requests by the  
29 commissioner. An annual report of the expedited requests, responses, the number of continuances,  
30 the reasons for such continuances, the number of requests for hearing, and the time within which  
31 the hearings were held shall be made annually to the advisory council established in RSA 281-A:62.  
32 The notice may be given in hand ~~[or by certified mail, return receipt requested]~~, **via first class**  
33 **mail, or, upon consent of the parties, by electronic transmission**. Continuances of any hearing  
34 are discouraged; however, should a continuance be necessary, the parties requesting such  
35 continuance shall file with the department a written petition for such continuance at least 7 days  
36 prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter,  
37 a continuance may only be granted upon the commissioner's finding that a compelling need exists so

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as to require a continuance. At such hearing, it shall be incumbent upon all parties to present all available evidence and the person conducting the hearing shall give full consideration to all evidence presented. In addition, the person conducting the hearing shall freely and comprehensively examine all witnesses to determine the merits of the matter. Also, the person conducting the hearing may recess the hearing to a date certain and direct the parties, or either of them, to provide such further information that may be necessary to decide the matter. No later than 30 days after the hearing, the commissioner or the commissioner's authorized representative shall render a decision and shall forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized representative, may render a decision at the hearing. Unless excused for good cause shown, ***or a party has not received notice***, failure of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance shall bar such parties from any further action concerning an adverse decision, a decision by default, or a dismissal of a petition for hearing and award. ***The commissioner, or his or her authorized representative, shall serve notice of a pending default, default decision, or dismissal of a petition for hearing and award on the defaulting party via certified mail, return receipt requested. Upon receipt of undeliverable certified mail, the commissioner, or his or her authorized representative, shall stay the proceedings for up to one year from the date of the receipt of undeliverable certified mail during which time the commissioner, or his or her authorized representative, shall make all reasonable attempts to provide notice to the defaulting party. If notice cannot be provided within one year, the commissioner, or his or her authorized representative, shall render a decision in favor of the non-defaulting party.***

131 Unemployment Compensation; Contributions; Minimum Rate. Amend RSA 282-A:82, II-III to read as follows:

II. There shall be subtracted in any calendar quarter from every employer's contribution rate one percent whenever the unemployment compensation fund equals or exceeds [~~\$275,000,000~~] ***\$350,000,000*** throughout the next preceding calendar quarter.

III. There shall be subtracted in any calendar quarter from every employer's contribution rate 1.5 percent whenever the unemployment compensation fund equals or exceeds [~~\$300,000,000~~] ***\$400,000,000*** throughout the next preceding calendar quarter.

132 Unemployment Compensation; Contributions; Inverse Minimum Rate. Amend RSA 282-A:82-a, II-III to read as follows:

II. There shall be added in any calendar quarter to every such employer's contribution rate one percent whenever the unemployment compensation fund fails to equal or exceed [~~\$275,000,000~~] ***\$350,000,000*** throughout the next preceding calendar quarter.

III. There shall be added in any calendar quarter to every such employer's contribution rate .5 percent whenever the unemployment compensation fund fails to equal or exceed [~~\$300,000,000~~] ***\$400,000,000*** throughout the next preceding calendar quarter.



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133 Repeal. The following are repealed:

I. RSA 282-A:84, relative to emergency power of the commissioner of the department of employment security.

II. RSA 282-A:84-a, relative to the emergency surcharge power of the commissioner of the department of employment security.

134 Liability for Obstruction or Injury to Highway; Civil Liability. Amend RSA 236:39 to read as follows:

236:39 Civil Liability.

*I.* If any person, without authority, shall place any obstruction in a highway, or cause any defect, insufficiency, or want of repair of a highway which renders it unsuitable for public travel, he or she shall be liable to the state for all damages to the highway, including ***full and current*** replacement costs of protective barriers, ***and any structure or device that is part of the highway or turnpike system***, when maintained by the state, or to the municipality for all damages to a highway, including ***full and current*** replacement costs of protective barriers ***and any structure or device that is part of the highway***, when maintained by the municipality, and for all damages and costs which the state or municipality shall be compelled to pay to any person injured by such obstruction, defect, insufficiency, or want of repair as established through an appropriate contribution claim or under the rules of joint and several liability.

*II. "Full and current replacement cost" as used in this section means actual or reasonable estimates of labor, including contracted labor, material, equipment, and overhead. Such costs shall not be reduced for depreciation.*

135 Repeal. 1959; 286, relative to the Sandwich Notch and Dale Road in the towns of Sandwich and Thornton, is repealed.

136 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate. Amend the section heading for RSA 4:39-c to read as follows:

4:39-c Disposal of Highway, ***Federal***, or Turnpike Funded Real Estate.

137 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 4:39-c, III to read as follows:

*III.* The proceeds from a sale, conveyance, transfer, or lease under this section shall be credited to either the highway fund, ***restricted federal fund***, or the turnpike fund, whichever fund provided money for the original purchase. ***Proceeds from a sale that results from money provided by the highway fund for payback of real property purchased with federal funds shall be credited to the department and shall be nonlapsing and continually appropriated to the department for the purposes of meeting federal obligations or reimbursing the highway fund for payment of federal obligations.***

138 New Paragraphs; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by inserting after paragraph XXVII the following new paragraphs:

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1 XXVII-a. "Small unmanned aircraft" means an unmanned aircraft as defined in federal  
2 regulations, as amended.

3 XXVII-b. "Small unmanned aircraft system" means a small unmanned aircraft and its  
4 associated elements as defined in federal regulations, as amended.

5 139 New Paragraph; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by  
6 inserting after paragraph XXIX the following new paragraph:

7 XXX. "Unmanned aircraft" means an aircraft as defined in federal regulations, as amended.

8 140 New Hampshire Aeronautics Act; Duties of the Commissioner. Amend RSA 422:4, VI to  
9 read as follows:

10 VI. Effecting uniformity in the regulations pertaining to the operation of aircraft by  
11 adopting uniform rules consistent with federal regulations and making noncompliance with federal  
12 regulations a violation of state law, thereby enabling the law enforcement agencies of the state to  
13 enforce the laws regulating the operation of aircraft. For the purposes of this paragraph, aircraft  
14 shall include ultralight vehicles [~~as defined in 14 C.F.R. part 103~~] **as defined in federal**  
15 **regulations, as amended, and small unmanned aircraft systems as defined in RSA 422:3,**  
16 **XXVII-b.**

17 141 Department of Transportation; Appropriation Amended. Amend 2018;162:25, I to read as  
18 follows:

19 I. The sum of \$20,000,000 is hereby appropriated to the department of transportation for the  
20 fiscal year ending June 30, 2018, which shall be [~~nonlapsing and~~] expended for the purposes of  
21 funding state red list bridge projects **and shall lapse to the highway fund on June 30, 2021.**  
22 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
23 otherwise appropriated.

24 142 Effective Date. Section 141 of this act shall take effect on June 30, 2021.

25 143 Department of Safety; Fund Transfer; Unfunded Positions; Authorization.

26 I. Notwithstanding the provisions of RSA 9:16-a, for the biennium ending June 30, 2023, the  
27 department of safety may transfer funds between accounting units in classes 027-transfers to the  
28 department of information technology, 028-transfers to general services, 064-retiree pension benefit  
29 health insurance compensation, and 211-property and casualty insurance, upon approval of the  
30 department of administrative services' budget office.

31 II. Notwithstanding any other provision of law to the contrary, the department of safety may  
32 fill unfunded positions during the biennium ending June 30, 2023, provided that the total  
33 expenditure for such positions shall not exceed the amount appropriated for personal services.

34 144 Body-Worn and Dashboard Camera Fund. RSA 105-D:3 is repealed and reenacted to read  
35 as follows:

36 105-D:3 Body-Worn and Dashboard Camera Fund.

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I. There is hereby established the body-worn and dashboard camera fund within the department of safety for the purpose of encouraging local law enforcement agencies to equip officers with body-worn cameras and agency vehicles with dashboard cameras. All moneys in the fund shall be nonlapsing and continually appropriated to the department of safety.

II.(a) The fund shall provide matching grants to local law enforcement agencies to assist agencies with the purchase, maintenance, and replacement of body-worn and dashboard cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn and dashboard cameras.

(b) The commissioner of the department of safety may also use the fund to pay for the classified position of business administrator I established in the department of safety, division of administration.

III. All local law enforcement agencies shall be eligible to apply for grants from the fund.

IV. The fund shall be overseen by the commissioner of the department of safety and the attorney general who shall, within 180 days of the effective date of this section, jointly establish a process for the application for matching grants from the fund. Such process shall be established in rules adopted jointly by the commissioner of safety and attorney general in accordance with RSA 541-A.

V. The commissioner of the department of safety may charge administrative costs related to this section to the fund.

145 New Subparagraph; Application of Receipts; Body Worn and Dashboard Camera Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys credited to the body-worn and dashboard camera fund established in RSA 105-D:3.

145-a Effective Date. Sections 144-145 of this act shall take effect July 1, 2021 at 12:01 a.m.

146 Body-Worn and Dashboard Camera Fund; Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the body-worn and dashboard camera fund established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

147 Body Worn Cameras Purchase; Appropriation; Department of Corrections. There is hereby appropriated to the department of corrections the sum of \$720,000 for the fiscal year ending June 30, 2021 to fund the purchase of body worn cameras for corrections and probation and parole officers. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall not lapse until June 30, 2023.

148 Effective Date. Section 147 of this act shall take effect June 30, 2021.

149 Department of Safety; Position Created. There is hereby established in the department of safety, division of administration, the full-time classified position of business administrator I. The

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1 commissioner of the department of safety may use the body-worn and dashboard camera fund  
2 established in RSA 105-D:3 to fund the position.

3 150 New Section; Complaints Alleging Law Enforcement Misconduct; Commission Established.  
4 Amend RSA 105-D by inserting after section 2 the following new section:

5 105-D:2-a Statewide Entity to Receive Complaints Alleging Misconduct Regarding Sworn and  
6 Elected Law Enforcement Officers; Commission Established.

7 I. There is hereby established a commission to develop recommendations for legislation to  
8 establish a single, neutral, and independent statewide entity to receive complaints alleging  
9 misconduct regarding all sworn and elected law enforcement officers pursuant to recommendation  
10 #16 in the final report issued by the New Hampshire commission on law enforcement accountability,  
11 community and transparency. The commission shall be composed of the following members:

- 12 (a) The attorney general, or designee, who shall be the chairperson of the commission.  
13 (b) One member of the house of representatives, appointed by the speaker of the house.  
14 (c) One member of the senate, appointed by the president of the senate.  
15 (d) The director of the New Hampshire police standards and training council, or  
16 designee.  
17 (e) The commissioner of safety, or designee.  
18 (f) Four additional members from the New Hampshire commission on law enforcement  
19 accountability, community and transparency established in Executive Order 2020-11, appointed by  
20 the attorney general. Two of these members shall be law enforcement members and 2 of these  
21 members shall not be law enforcement members.

22 II. Legislative members of the commission shall receive mileage at the legislative rate when  
23 attending to the duties of the commission.

24 III. The chairperson of the commission shall call the first meeting within 30 days of the  
25 effective date of this section. Five members of the commission shall constitute a quorum.

26 IV. The commission shall submit a report containing its recommendations for legislation to  
27 the governor, the speaker of the house of representatives, the president of the senate, and the state  
28 library no later than November 1, 2021.

29 151 Appropriation; Statewide Entity to Receive Complaints of Misconduct. The sum of \$100,000  
30 for the fiscal year ending June 30, 2023 is hereby appropriated the department of administrative  
31 services which shall be available to fund an independent statewide entity to receive complaints  
32 alleging misconduct regarding all sworn and elected law enforcement officers established pursuant  
33 to recommendation #16 in the final report issued by the New Hampshire commission on law  
34 enforcement accountability, community and transparency. Any unexpended amount of said  
35 appropriation shall lapse to the general fund on June 30, 2023. The governor is hereby authorized to  
36 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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1       152 Contingency. If an independent statewide entity to receive complaints alleging misconduct  
2 regarding all sworn and elected law enforcement officers as a result of recommendation #16 in the  
3 final report issued by the New Hampshire commission on law enforcement accountability,  
4 community, and transparency becomes law by July 1, 2022, then section 151 of this act shall take  
5 effect July 1, 2022. If such an entity does not become law by July 1, 2022, then section 151 of this  
6 act shall not take effect.

7       153 Effective Date. Section 151 of this act shall take effect as provided in section 152 of this act.

8       154 Department of Safety; Radio Infrastructure Equipment Purchases; Procurement.

9       I. The department of safety shall, in collaboration with the department of administrative  
10 services, establish standards for radio infrastructure-related hardware, computers, software, related  
11 licenses, media, documentation, support and maintenance services, and other related services.

12       II. Prior to an agency's issuance of a solicitation for the purchase of radio infrastructure-  
13 related computer or radio hardware, software, related licenses, media, documentation, support and  
14 maintenance services, and other related services including a request for proposal, request for  
15 purchase, or other procurement documentation, the agency shall consult with and seek approval  
16 from the department of safety, division of emergency services and communications.

17       III. The department of safety, division of emergency services and communications, shall  
18 annually review and set dollar, or other, limits for purchases and contracts that require approval  
19 from the director of the division of emergency services and communications before proceeding.

20       IV. For purposes of this section, "agency" shall have the same meaning as in RSA 21-I:11,  
21 II(b), but shall not include:

- 22           (a) The university system of New Hampshire.
- 23           (b) The court systems.
- 24           (c) The legislature, secretary of state, and the state reporter.
- 25           (d) The retirement system.
- 26           (e) The community college system of New Hampshire.

27       155 New Paragraph; Office of the Chief Medical Examiner; Definitions. Amend RSA 611-B:1 by  
28 inserting after paragraph II the following new paragraph:

29       II-a. "Associate medical examiner" means the licensed physician certified by the American  
30 Board of Pathology as a qualified pathologist and appointed pursuant to RSA 611-B:3-a.

31       156 New Section; Office of the Chief Medical Examiner; Associate Medical Examiner. Amend  
32 RSA 611-B by inserting after section 3 the following new section:

33       611-B:3-a Associate Medical Examiner. There is hereby established within the office of the chief  
34 medical examiner the position of associate medical examiner. The associate medical examiner shall  
35 be appointed in the same manner as the chief medical examiner as provided in RSA 611-B:2, and  
36 shall be a licensed physician, certified by the American Board of Pathology as a qualified pathologist,  
37 with training and experience in forensic medicine. The associate medical examiner shall serve under

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1 the professional direction and supervision of the chief medical examiner and deputy chief medical  
2 examiner and shall act as the chief medical examiner whenever the chief medical examiner and  
3 deputy chief medical examiner are absent, or unable to act for any cause.

4 157 Office of the Chief Medical Examiner; Acting Chief Medical Examiner. Amend RSA 611-B:4  
5 to read as follows:

6 611-B:4 Acting Chief Medical Examiner. The chief medical examiner may designate in writing  
7 an acting chief medical examiner who shall be a licensed physician, certified by the American Board  
8 of Pathology as a qualified pathologist with training and experience in forensic medicine. The acting  
9 chief medical examiner shall act as the chief medical examiner whenever the chief medical  
10 examiner, ~~and the~~ deputy chief medical examiner, **and the associate medical examiner** are  
11 absent, or unable to act ~~from~~ **for** any cause.

12 158 Department of Justice; Director of Diversity and Community Outreach; Position  
13 Established. There is established within the department of justice an unclassified position of  
14 director of diversity and community outreach. The director of diversity and community outreach  
15 shall be qualified to hold the position by reason of education and experience, and shall be appointed  
16 to serve for a term of 5 years. The position shall assist the attorney general and deputy attorney  
17 general to establish goals and milestones towards creating a more diverse, inclusive, and culturally  
18 aware law enforcement community through efforts that increase equity and cultural awareness  
19 among state, county, local prosecution, law enforcement and diverse communities to foster positive  
20 relationships, understanding and respect. The salary of the director of diversity and community  
21 outreach shall be determined after assessment and review of the appropriate letter grade allocation  
22 in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.  
23 Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-200010-  
24 2601.

25 159 New Paragraph; Department of Justice; Attorney General Position Established. Amend  
26 RSA 21-M:3 by inserting after paragraph XII the following new paragraph:

27 XIII. The attorney general, subject to the approval of the governor and council, may appoint  
28 a permanent director of diversity and community outreach, within the limits of the appropriation  
29 made for the appointment, who shall hold office for a term of 5 years. Any vacancy in such position  
30 may be filled for the unexpired term. The director of diversity and community outreach may be  
31 removed only as provided by RSA 4:1.

32 160 Effective Date. Sections 158-159 of this act shall take effect July 1, 2023.

33 161 Judicial Council; Expenditures for Termination of Parental Rights Services. In the event  
34 that expenditures for termination of parental rights services are greater than amounts appropriated  
35 in the operating budget, the judicial council may request, with prior approval of the fiscal committee  
36 of the general court, that the governor and council authorize additional funding. For funds

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requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

162 College Tuition Savings Plan; Advisory Commission. Amend the introductory paragraph in RSA 195-H:2, I(a) to read as follows:

I.(a) There is established the New Hampshire college tuition savings plan advisory commission which shall ensure the proper administration and management of the savings plan. The advisory commission shall ensure that the savings plan complies with the requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the savings plan. The commission shall also be responsible for ensuring the proper administration, implementation, and management of the New Hampshire excellence in higher education endowment trust fund established in RSA 6:38, and the governor's scholarship program and fund established in ~~[RSA 4 C:31-34]~~ ***RSA 195-H:11-14. The commission, by a majority vote, may transfer funds between the New Hampshire excellence in higher education endowment trust fund and the governor's scholarship fund.*** The commission shall consist of the following members:

163 New Subdivision; Governor's Scholarship Program and Fund. Amend RSA 195-H by inserting after section 10 the following new subdivision:

Governor's Scholarship Program and Fund

195-H:11 Definitions. In this subdivision:

I. "Eligible institution" means a postsecondary educational institution or training program within the university system of New Hampshire as defined in RSA 187-A, a postsecondary educational institution within the community college system of New Hampshire as defined in RSA 188-F, or a private postsecondary institution approved to operate in this state that:

(a) Is approved by the higher education commission pursuant to RSA 21-N:8-a and accredited by the New England Commission of Higher Education; and

(b) Is a not-for-profit organization eligible to receive federal Title IV funds.

II. "Eligible student" means a first-year, full-time, Pell Grant-eligible student who meets the eligibility and residency requirements of RSA 195-H:13. "First-year" means a student who has never enrolled in an eligible institution.

III. "Full-time" means an enrolled student who is carrying an academic course load that is determined to be full-time by the eligible institution based on a standard applicable to all students enrolled in a particular educational program. The student's course load may include any combination of courses, work, research, or special studies that the eligible institution considers sufficient to classify the student as full-time.

195-H:12 Governor's Scholarship Program and Fund Established.

I. There is hereby established the governor's scholarship program and the governor's scholarship fund. The program and fund shall be administered by the commission. The fund shall be kept distinct and separate from all other funds and shall be used to provide scholarships which a

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1 recipient shall apply to the costs of an education at an eligible institution. The funds shall be  
2 distributed to an eligible institution based on the number of eligible students awarded a scholarship  
3 and upon receipt of a request for reimbursement for such scholarship funds accompanied by  
4 appropriate documentation.

5 II. The state treasurer shall credit to the fund any appropriation relating to the governor's  
6 scholarship fund made in each fiscal year to the commission. The state treasurer shall invest the  
7 fund in accordance with RSA 6:8. Any earnings shall be added to the fund.

8 III. All moneys in the fund shall be nonlapsing and continually appropriated to the  
9 commission for the purposes of this subdivision.

10 IV. The commission may institute promotional programs and solicit and receive cash gifts or  
11 other donations for the purpose of supporting educational scholarships from the fund. The  
12 commission shall not solicit or accept real property.

13 V. All gifts, grants, and donations of any kind shall be credited to the fund.

14 195-H:13 Eligibility.

15 I. Any person who meets the following requirements shall be an eligible student:

16 (a) A person shall meet the residency requirements of RSA 193:12; be a graduate of a  
17 New Hampshire high school, public academy, chartered public school, New Hampshire private  
18 preparatory high school, a high school-level home education program as defined in RSA 193-A; have  
19 received a New Hampshire high school equivalency certificate; have completed at least 3 years of  
20 high school in this state; be pursuing a certificate, associate, or bachelor degree at an eligible  
21 institution in this state; and be eligible to receive a Pell grant; or

22 (b) A person shall be a graduate of a preparatory high school outside of this state while a  
23 dependent of a parent or legal guardian who is a legal resident of this state and who has custody of  
24 the dependent; or

25 (c) A person shall have a parent or guardian who has served in or has retired from the  
26 United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a  
27 resident of this state; or

28 (d) A person shall be a graduate of a high school, public academy, chartered public high  
29 school, or a high school-level home education program outside of this state but have maintained his  
30 or her primary residence in this state for not less than 5 years preceding the date of application for a  
31 scholarship.

32 II. A person shall meet the qualifications for academic performance or work experience as  
33 established by the commission.

34 III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo  
35 contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the  
36 laws of this or any other state, or under the laws of the United States, except that an otherwise  
37 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo



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1     contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible  
2     or continue to be eligible for a scholarship after the expiration of one academic year from the date of  
3     adjudication, conviction, or plea.

4             195-H:14 Procedures.

5             I. All scholarship funds shall be distributed to the eligible student by the eligible institution.  
6     The institution shall include the scholarship in the student's financial aid package and may seek  
7     subsequent reimbursement. The state shall provide the reimbursements twice per year to each  
8     eligible institution for the number of eligible students enrolled in the current semester or term who  
9     are receiving a scholarship. The institution shall submit the list of scholarship recipients to the  
10    commission or its designee no later than November 30 and April 30 of each academic year, and shall  
11    be reimbursed within 30 days of submission.

12            II. An eligible student may receive a scholarship in the amount of \$1,000 per year provided  
13    he or she maintains at least a 2.0 grade point average. An eligible student who earned the New  
14    Hampshire scholar designation at the time of high school graduation may receive a scholarship in  
15    the amount of \$2,000 per year provided he or she maintains at least a 2.5 grade point average. The  
16    eligible institution shall not reduce any merit or need-based grant aid that would have otherwise  
17    been provided to the eligible student. An eligible student may receive an annual scholarship for a  
18    maximum of 4 years.

19            III. In the event the state does not reimburse the eligible institution for scholarship amounts  
20    paid to an eligible student receiving an award, the eligible institution shall agree not to seek  
21    additional payments from the eligible student and to absorb the loss of funds without any  
22    consequence to the eligible student.

23            IV. The commission shall adopt rules, pursuant to RSA 541-A, relative to awarding and  
24    disbursing scholarship funds to an eligible student enrolled in an eligible institution.

25            V. An eligible student, who initially attends a community college and transfers directly to an  
26    eligible institution, without a break in attendance, shall remain an eligible student for a maximum  
27    of 4 years of total eligibility.

28            VI. The commission may hire staff or enter into a contract for services or personnel  
29    necessary to administer the program.

30            164 Application of Receipts; Governor's Scholarship Program and Fund. Amend RSA 6:12,  
31    I(b)(336) to read as follows:

32                   (336) Moneys deposited into the governor's scholarship fund established in ~~[RSA 4-~~  
33    ~~C:32]~~ ***RSA 195-H:12.***

34            165 Allied Health Professionals; Re-ordering of Definitions. RSA 328-F:2 is repealed and  
35    reenacted to read as follows:

36                328-F:2 Definitions. In this chapter:

37                   I. "Athletic training" means "athletic training" as defined in RSA 326-G:1, III.

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1           II. "Board of directors" means the chairpersons or their appointees of all the governing  
2 boards which shall be responsible for the administrative operation of the office of licensed allied  
3 health professionals.

4           III. "Genetic counseling" means genetic counseling as defined in RSA 326-K:1.

5           IV. "Governing boards" means individual licensing boards of athletic trainers, occupational  
6 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical  
7 therapist assistants, respiratory care practitioners, speech-language pathologists and hearing care  
8 providers, and genetic counselors.

9           V. "Hearing care providers" mean audiologists and hearing aid dealers as defined in RSA  
10 326-F:1.

11          VI. "Occupational therapy" means "occupational therapy" as defined in RSA 326-C:1, III.

12          VII. "Office of licensed allied health professionals" means an agency of multiple governing  
13 boards in professions of the allied health field.

14          VIII. "Physical therapy" or "physiotherapy" means "physical therapy" or "physiotherapy" as  
15 defined in RSA 328-A:2, IX.

16          IX. "Recreational therapy" means "recreational therapy" as defined in RSA 326-J:1, III.

17          X. "Respiratory care" means "respiratory care" as defined in RSA 326-E:1, X.

18          XI. "Speech-language pathology" means "speech-language pathology" as defined in RSA  
19 326-F:1.

20          166 Allied Health Professionals; Governing Boards; Hearing Care Providers. Amend RSA 328-  
21 F:3, I to read as follows:

22           I. There shall be established governing boards of athletic trainers, occupational therapists,  
23 recreational therapists, respiratory care practitioners, physical therapists, speech-language  
24 pathologists, ***hearing care providers***, and genetic counselors.

25          167 Allied Health Professionals; Governing Boards; Membership. Amend RSA 328-F:4, I to  
26 read as follows:

27           I. Each governing board shall be composed of 5 persons, each to be appointed by the  
28 governor with the approval of the council, to a term of 3 years, ***except the speech-language***  
29 ***pathology and hearing care provider governing board which shall be composed of 6***  
30 ***members, each to be appointed by the governor with the approval of the council, to a term***  
31 ***of 3 years.*** Members shall serve until the expiration of the term for which they have been  
32 appointed or until their successors have been appointed and qualified. No board member shall be  
33 appointed to more than 2 consecutive terms, provided that for this purpose only a period actually  
34 served which exceeds 1/2 of the 3-year term shall be deemed a full term. Any professional members  
35 of all governing boards shall maintain current and unrestricted New Hampshire licenses.

36          168 Speech Language Pathology and Hearing Care Provider Governing Board; Membership.  
37 Amend RSA 328-F:4, VIII to read as follows:

VIII. The speech-language pathology ***and hearing care provider*** governing board shall consist of 4 licensed speech-language pathologists who have actively engaged in the practice of speech-language pathology in this state for at least 3 years, ***one licensed individual in the field of hearing care who has actively engaged in the practice***, and one public member. At least one speech-language pathologist shall be employed in an educational setting and at least one employed in a clinical setting.

169 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Registration.  
Amend RSA 328-F:5 by inserting after paragraph I-a the following new paragraph:

I-b. Issue initial registrations, conditional initial registrations, renewed registrations, conditionally renewed registrations, reinstated registrations, and conditionally reinstated registrations to businesses who are eligible if authorized to do so by the board's practice act.

170 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Businesses.  
Amend RSA 328-F:5 by inserting after paragraph II the following new paragraph:

II-a. Investigate registered businesses and take necessary disciplinary action against them.

171 New Paragraph; Allied Health Professionals; Governing Boards; Rulemaking; Hearing Aid Dealers. Amend RSA 328-F:11 by inserting after paragraph II the following new paragraph:

III. The speech-language pathology and hearing care provider governing board shall adopt rules on eligibility requirements and procedures for the issuance of registrations to hearing aid dealers.

172 Allied Health Professionals; Governing Board; Fees. Amend RSA 328-F:15, I to read as follows:

I. The board of directors shall establish fees for:

(a) The processing of applications for initial and reinstatement of licensure, ~~[or]~~ certification, ***or registration***.

(b) Initial licenses, ~~[and]~~ certifications, ***and registrations***.

(c) Renewal of licenses, ~~[and]~~ certifications, ***and registrations***.

(d) Late filing of applications for license renewal and renewal of certification.

(e) Reinstatement of licenses, ~~[and]~~ certifications, ***and registrations***.

(f) Transcribing and transferring records.

(g) The costs of a hearing by any governing board at which the issue is denial of, or imposition of conditions on, an initial license or certification, including the per diem and mileage of board members attending the hearing and the cost of a shorthand court reporter if one is used to record the hearing.

***(h) The registration of hearing aid dealers.***

173 Allied Health Professionals; Governing Boards; Initial Licenses, Certifications, and Registrations. Amend RSA 328-F:18, IV to read as follows:

1           IV. Initial licenses, ***certifications, and registrations***, including conditional licenses,  
2 ***certifications, and registrations*** that are the first license, ***certificate, or registration*** issued to  
3 the individual ***or hearing aid dealer***, and provisional licenses, ***certifications, and registrations***  
4 shall be:

5                   (a) Signed and dated by the chairperson of the governing board issuing them ***or his or***  
6 ***her designee***.

7                   (b) Numbered consecutively and recorded.

8           174 Allied Health Professionals; License Provisions; Renewal. Amend RSA 328-F:19 to read as  
9 follows:

10           328-F:19 Renewal.

11           I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete  
12 application for license renewal by eligible applicants shall continue the validity of the licenses being  
13 renewed until the governing board has acted on the renewal application. Licenses issued pursuant  
14 to RSA 328-A, RSA 326-G, and RSA 326-J shall expire in even-numbered years and licenses issued  
15 pursuant to RSA 326-C, RSA 326-E, RSA 326-F, and RSA 326-K shall expire in odd-numbered years.

16               ***I-a. A license issued to a hearing care provider shall expire at 12:01 a.m. on July 1***  
17 ***of the odd-numbered year next succeeding its date of issuance. The governing board shall***  
18 ***notify the licensee, on or before May 1 of the renewal year, but failure of any licensee to***  
19 ***receive this notification shall not relieve him or her of the obligation to comply with the***  
20 ***rules of the governing board and this section. Timely submission of renewal applications***  
21 ***shall be evidenced by postmark or, for applications delivered by hand, by date stamp or***  
22 ***other record made at the time of delivery.***

23           II. Each governing board shall renew the licenses of applicants who meet the eligibility  
24 requirements and complete the application procedure.

25           III. Applicants ***whose licenses expire on December 31 of the renewal year*** shall submit  
26 completed applications for renewal on or before December 1 of the renewal year. Completed  
27 renewal applications submitted between December 2 and December 31 of the renewal year shall be  
28 accompanied by a late filing fee. Licenses shall lapse when completed renewal applications have not  
29 been filed by December 31 of the renewal year, and their holders are not authorized to practice until  
30 the licenses have been reinstated.

31           IV. The governing boards shall provide licensees ***whose licenses expire on December 31***  
32 ***of the renewal year***, on or before November 1 of their renewal years, with materials needed to  
33 complete their renewal applications, but failure of any licensees to receive these materials shall not  
34 relieve them of the obligation to comply with the rules of the governing boards and this section.  
35 Timeliness of submission of renewal applications shall be evidenced by postmark or, for applications  
36 delivered by hand, by date stamp or other record made at the time of delivery.

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V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the governing board shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

175 Allied Health Professionals; License Provisions; Obligation to Report. Amend RSA 328-F:25, I and II to read as follows:

I. Persons and entities regulated by the state, including but not limited to, licensees, certified individuals, **registrants**, insurance companies, health care organizations, and health care facilities shall report to the board of directors and the appropriate governing board any criminal conviction of a licensee, ~~or~~ certified individual, **registered hearing aid dealer**, or any determination by a regulatory agency indicating that a licensee, ~~or~~ certified individual, **or registered hearing aid dealer** has violated this chapter or the practice act of his or her governing board. Persons and entities so reporting shall be immune from civil liability if the report is made in good faith.

II. Every individual, agency, facility, institution or organization regulated by the state and employing licensed allied health professionals **or using the services of a registered hearing aid dealer** within the state shall report to the appropriate governing board within 30 days any act by an individual licensed or certified by the board that appears to constitute misconduct. Persons and entities so reporting shall be immune from civil liability if the report is made in good faith.

176 Allied Health Professionals; Unauthorized Practice. Amend RSA 328-F:27, II to read as follows:

II. Practice of an allied health profession by any person who is not licensed ~~or~~, certified, **or registered** to practice such profession shall constitute unauthorized practice. A business which holds itself out, through advertising or in any other way, as providing an allied health service but does not have available to supervise its services an allied health professional licensed ~~or~~, certified, **or registered** to provide the services which the business purports to offer, is engaged in unauthorized practice.

177 Speech Language Pathology Practice. Amend the chapter heading of RSA 326-F to read as follows:

**CHAPTER 326-F**

**SPEECH-LANGUAGE PATHOLOGY AND HEARING CARE PROVIDERS PRACTICE**

178 Speech-Language Pathology and Hearing Care Providers Practice; Definitions. RSA 326-F:1 is repealed and reenacted to read as follows:

326-F:1 Definitions. In this chapter and RSA 328-F:

I. "Audiologist" means any person who renders or offers to render to the public any service involving the application of principles, methods, and procedures for the measurement of testing,

1 identification, appraisal, consultation, counseling, instruction, and research related to the  
2 development and disorders of hearing and vestibular function for the purpose of diagnosing,  
3 designing, and implementing programs for the amelioration of such disorders and conditions.

4 II. "Audiology" means the application of principles, methods, and procedures related to the  
5 development and disorders of human communication, which disorders shall include any and all  
6 conditions whether of organic or nonorganic origin, that impede the normal processes of human  
7 communication and balance including, but not limited to, disorders of hearing, vestibular function,  
8 and central auditory processing.

9 III. "Board" means the governing board of speech-language pathologists and hearing care  
10 providers established in RSA 328-F.

11 IV. "Hearing aid" means any wearable instrument or device designed for or offered for the  
12 purpose of or represented as aiding or compensating for impaired human hearing and any parts or  
13 attachments, including ear molds, but excluding batteries and cords or accessories thereto, or  
14 equipment, devices, and attachments used in conjunction with services provided by a public utility  
15 company.

16 V. "Hearing aid dealer" means any person engaged in the testing of human hearing for the  
17 purpose of selecting, fitting, or otherwise dealing in hearing aids.

18 VI. "Otolaryngologist" means a physician licensed in the state of New Hampshire who  
19 specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the  
20 American Board of Otolaryngology as an otolaryngologist.

21 VII. "Practice of audiology" means, but shall not be limited to:

22 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and  
23 preventing hearing disorders.

24 (b) Rendering to individuals or groups of individuals, who are suspected of having  
25 hearing disorders, basic and comprehensive audiological and vestibular site-of-lesion tests, including  
26 otoscopic examinations, electrophysiologic test procedures, and auditory evoked assessment.

27 (c) Rendering basic and comprehensive auditory and vestibular habilitative and  
28 rehabilitative services, including aural rehabilitative assessment and therapy, vestibular  
29 rehabilitative assessment and therapy, and speech and language screening.

30 (d) Providing basic and comprehensive audiological and psychoacoustic evaluations for  
31 the purpose of determining candidacy for amplification or assistive alerting/listening devices;  
32 providing tinnitus evaluations and therapy; providing hearing aid fitting and orientation; taking ear  
33 impressions; and providing hearing aid product dispensing, repair, and modification.

34 (e) Providing preoperative evaluation and selection of cochlear implant candidacy and  
35 post-implant rehabilitation.

36 (f) Providing occupational hearing conservation.

37 VIII. "Practice of speech-language pathology" means, but shall not be limited to:

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1           (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and  
2 preventing disorders of speech and language.

3           (b) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating  
4 disorders of oral-pharyngeal function and related disorders.

5           (c) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating  
6 cognitive communication disorders.

7           (d) Assessing, selecting, and developing augmentative and alternative communication  
8 systems and providing training in their use.

9           (e) Providing aural rehabilitation and related counseling services to deaf or hard of  
10 hearing individuals and their families.

11           (f) Enhancing speech-language proficiency and communication effectiveness.

12           (g) Screening of hearing and other factors for the purpose of speech-language evaluation  
13 or the initial identification of individuals with other communication disorders.

14           IX. "Rental or selling of hearing aids" means the selection, adaptation, and sale or rental of  
15 hearing aids. Also included is the making of impressions for ear molds and instruction pertaining to  
16 the use of hearing aids.

17           X. "Sell" or "sale" means any transfer of title or of the right of use by sale, conditional sales  
18 contract, lease bailments, hire-purchase or any other means, excluding wholesale transactions of  
19 dealers and distributors.

20           XI. "Speech-language assistant" means any person certified by the board who meets  
21 minimum qualifications established by the board which are less than those established by this  
22 chapter as necessary for licensing as a speech-language pathologist, and who does not act  
23 independently but works under the direction and supervision of a speech-language pathologist  
24 licensed under this chapter.

25           XII. "Speech-language pathologist" means any person who renders or offers to render to the  
26 public any service involving the application of principles, methods, and procedures for the  
27 measurement of testing, identification, appraisal, consultation, counseling, instruction and research  
28 related to the development and disorders of speech, voice, or language for the purpose of diagnosing,  
29 designing, and implementing programs for the amelioration of such disorders and conditions.

30           XIII. "Speech-language pathology" means the application of principles, methods, and  
31 procedures related to the development and disorders of human communication, which disorders shall  
32 include any and all conditions whether of organic or nonorganic origin, that impede the normal  
33 process of human communication including, but not limited to, disorders and related disorders of  
34 speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition,  
35 communication, swallowing, and oral, pharyngeal or laryngeal sensorimotor competencies.

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1       179    New Paragraph; Speech Language Pathology and Hearing Care Providers Practice;  
2   Eligibility for Initial Licensure. Amend RSA 326-F:3 by inserting after paragraph II the following  
3   new paragraph:

4           III. To be eligible for initial licensure as an audiologist an applicant shall:

5           (a) Demonstrate sufficient evidence of good professional character and reliability to  
6   satisfy the board that the applicant shall faithfully and conscientiously avoid professional  
7   misconduct and otherwise adhere to the requirements of this chapter.

8           (b) Possess at least a master's degree in audiology from an educational institution  
9   approved by the board which consists of course work approved pursuant to rules adopted by the  
10   board pursuant to RSA 541-A.

11          (c) Complete a supervised postgraduate professional experience at an educational  
12   institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant to  
13   RSA 541-A.

14          (d) Pass an examination specified by the board in rules adopted under RSA 541-A.

15          (e) Complete a supervised postgraduate professional experience.

16          (f) If applicable, submit proof of licensure in another state in which the licensure  
17   requirements are equivalent to or greater than those in this chapter.

18       180    New Paragraph; Speech Language Pathology and Hearing Care Providers Practice;  
19   Rulemaking. Amend RSA 326-F:5 by inserting after paragraph VII the following new paragraph:

20           VIII. The sale and fitting of hearing aids.

21       181    Speech Language Pathology and Hearing Care Providers Practice; Eligibility for Renewal of  
22   Licenses. Amend RSA 326-F:6, I to read as follows:

23           I. ***For speech-language pathologists***, have completed 30 hours of continuing education  
24   which meet the requirements established by the board through rulemaking pursuant to RSA 541-A  
25   and at least 50 percent of which are directly related to the practice of speech-language pathology.  
26   ***For audiologists, have completed 20 hours of continuing education which meet the***  
27   ***requirements established by the board through rulemaking pursuant to RSA 541-A.***

28       182    New Paragraphs; Speech-Language Pathology and Hearing Care Providers Practice;  
29   Professional Identification. Amend RSA 326-F:8 by inserting after paragraph IV the following new  
30   paragraphs:

31           V. No person shall practice audiology or represent oneself as an audiologist in this state,  
32   unless such person is licensed in accordance with the provisions of this chapter.

33           VI. No person shall represent oneself or use the following words to represent oneself:  
34   audiologist, audiology, audiometry, audiometrist, audiological, audiometrics, hearing therapy,  
35   hearing therapist, hearing clinic, hearing aid audiologist, or any other variation or synonym which  
36   expresses, employs, or implies these terms or functions unless the person has been duly licensed as  
37   an audiologist.



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1       183 New Sections; Registration of Hearing Aid Dealers; Temporary Licensure for Audiologists;  
2 Audiologists From Other Jurisdictions; Disclosure to Customers; Unsolicited Home Sales Prohibited;  
3 Return of Hearing Aid; Deceptive Advertising Prohibited. Amend RSA 326-F by inserting after  
4 section 8 the following new sections:

5       326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business  
6 of selling or offering for rent hearing aids unless such person is registered in accordance with this  
7 chapter and unless the registration of such person is current and valid. The fee for an initial  
8 registration under this section shall not exceed \$300. This section includes the selling or renting of  
9 hearing aids by mail in this state by a person outside the state. Registration certificates shall be  
10 renewed biennially on or before June 30 upon payment of a renewal fee.

11       326-F:10 Temporary Licensure for Audiologists.

12           I. A temporary license may be granted for up to 120 days to a person who has moved to this  
13 state from another jurisdiction, if the person holds an audiologist's license in the other jurisdiction  
14 and the other jurisdiction's requirements for licensure are greater than or equal to the requirements  
15 in this state, and the person has applied for a license under this chapter.

16           II. A temporary license issued under this section shall expire no later than 120 days after  
17 issuance. The date shall be stated on the license.

18       326-F:11 Audiologists From Other Jurisdictions; Licensure. The board may waive licensure  
19 requirements for an applicant who:

20           I. Is licensed by another jurisdiction where the requirements for licensure are greater than  
21 or equal to those required in this state; and

22           II. Is practicing audiology 20 days or less in New Hampshire in any calendar year.

23       326-F:12 Hearing Aid Dealer and/or Audiologist Disclosure to Customers.

24           I. No hearing aid dealer or audiologist shall sell a hearing aid without presenting the  
25 purchaser an itemized receipt, which shall include the following:

26               (a) The name and address and signature of the purchaser.

27               (b) The date of the sale.

28               (c) The name and the regular place of business of the hearing aid dealer or dealer's  
29 registration number or of the audiologist or audiologist's license number, and signature of the  
30 registrant or licensee.

31               (d) The make, model, serial number, and purchase price of the hearing aid and the  
32 terms of the warranty.

33               (e) An itemization of the total purchase price, including but not limited to the cost of the  
34 aid, ear mold, and batteries and other accessories and any other services.

35               (f) A statement as to whether the hearing aid is "new," "used" or "reconditioned."

36               (g) The complete terms of the sale, including a clear and precise statement of the 30-day  
37 money back guarantee required under RSA 326-F:14.

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1           (h) The name, address and telephone number of the consumer protection and antitrust  
2 bureau, division of public protection, department of justice, with a statement that complaints which  
3 arise with respect to the transaction may be submitted in writing to the consumer protection and  
4 antitrust bureau.

5           (i) The following statements in 10 point type or larger: 1) "This hearing aid will not  
6 restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel this  
7 purchase or rental for any reason within 30 days after receiving the hearing aid."

8           II. Each registrant or licensee shall keep records of every customer to whom such person  
9 renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I,  
10 a record of services provided, any correspondence to or from a customer and any records required  
11 under the rules for the hearing aid industry as promulgated by the United States Federal Trade  
12 Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated  
13 by the United States Food and Drug Administration. These records shall be preserved for at least 3  
14 years after the date of transaction.

15       326-F:13 Unsolicited Home Sales Prohibited. No hearing aid dealer or audiologist, employee or  
16 agent thereof, shall canvass either in person or by telephone from house to house for the purpose of  
17 selling or renting a hearing aid without prior request from the prospective customer, a relative or  
18 friend of the prospective customer.

19       326-F:14 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person  
20 unless accompanied by a 30-day written money back guarantee that if the person returns the  
21 hearing aid in the same condition, ordinary wear and tear excluded, as when purchased, within 30  
22 days from the date of delivery, the hearing aid dealer or audiologist may be entitled to a cancellation  
23 fee of 5 percent of the purchase price. In computing the actual purchase price, all rebates, discounts,  
24 and other similar allowances provided to the seller shall be considered. For the purpose of this  
25 section, any consumer who initiates the return of a hearing aid within said 30-day period shall be in  
26 compliance with this section. The addressing of any claimed deficiency or return shall be resolved  
27 within 90 days from date of delivery.

28       326-F:15 Deceptive Advertising Prohibited.

29           I. No hearing aid dealer or audiologist, or employee or agent thereof, shall use or cause to be  
30 used or promote the use of any advertising matter, promotional literature, testimonial, guarantee,  
31 warranty, label, brand, insignia, or other representation, however disseminated or published, which  
32 is misleading, deceptive, or untruthful. All advertising by mail which offers free hearing testing or  
33 other services by a hearing aid dealer or audiologist shall clearly state in such advertising that the  
34 offers are made by a hearing aid dealer or audiologist.

35           II. No hearing aid dealer, or employee or agent thereof, shall represent that the services or  
36 advice of an individual licensed to practice medicine or of an individual certified as an audiologist  
37 will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing

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1 aids where that is not true; or use or incorporate in any title or designation the words, "doctor,"  
2 "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state certified," "state  
3 approved," "state registered," "certified hearing aid audiologist," or any term, abbreviation, or symbol  
4 which would give the false impression that one is being treated medically or audiologically or that  
5 the registrant's services have been recommended by the state.

6 III. No hearing aid dealer or audiologist, or employee or agent thereof, shall use any  
7 advertisement or any other representation which has the effect of misleading or deceiving  
8 purchasers or prospective purchasers in the belief that any hearing aid or device, or part or  
9 accessory thereof, is a new invention or involves a new mechanical or scientific principle when such  
10 is not a fact.

11 IV. No hearing aid dealer or audiologist, or employee or agent thereof, shall state or imply  
12 that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent or  
13 retard the progression of a hearing impairment or make any false or misleading or medically or  
14 audiologically unsupportable claims regarding the efficacy or benefits of hearing aids.

15 V. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise a  
16 particular model, type, or kind of hearing aid when the offer is not a bona fide effort to sell the  
17 product so offered as advertised.

18 VI. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise that a  
19 hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such  
20 dealer, employee, or agent shall advertise that a hearing aid will enable persons with hearing loss to  
21 consistently distinguish and understand speech sounds in noisy situations.

22 VII. No hearing aid shall be sold to any person unless the packaging containing the hearing  
23 aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore  
24 normal hearing nor will it prevent further hearing loss."

25 326-F:16 Out-of-State Sales Regulated.

26 I. No person shall conduct or operate a business outside of the state for the sale at retail of  
27 hearing aids to individuals within the state unless such business is registered with a permit issued  
28 by the board.

29 II. The board shall issue a permit to such out-of-state business if the business discloses and  
30 provides proof:

31 (a) That the business is in compliance with all applicable laws and rules in the state in  
32 which the business is located;

33 (b) Of the operating locations and the names and titles of all principal corporate officers;

34 (c) That the business complies with all lawful directions and requests for information  
35 from the board of all states in which it conducts business; and

36 (d) That the business agrees in writing to comply with all New Hampshire laws and  
37 rules relating to the sale or dispensing of hearing aids.

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1           III. The board shall assess fees as established by rules adopted by the board, pursuant to  
2 RSA 541-A, for out-of-state hearing aid sales companies.

3           184 General Administration of Regulatory Boards and Commissions; Reciprocity Information.  
4 Amend the introductory paragraph of RSA 332-G:12, I to read as follows:

5           I. All boards or commissions~~[-, including the board of hearing care providers established in~~  
6 ~~RSA 137-F:3;]~~ shall post information on their website relative to reciprocal licensure or certification  
7 for persons holding a current and valid license or certification for the practice of the regulated  
8 profession in another state. Such information shall include a list of the states which the board or  
9 commission has determined to have license or certification requirements equal to, or greater than,  
10 the requirements of this state. The posting shall also list states with which the board or commission  
11 has:

12           185 Repeals. The following are repealed:

13           I. RSA 137-F, relative to hearing care providers.

14           II. RSA 310-A:1-a, II(a), relative to hearing care providers.

15           186 Transition; Rules; Hearing Care Providers.

16           I. The rules adopted for hearing care providers under the former RSA 137-F in effect on the  
17 effective date of this act shall, to the extent practicable, continue and be effective and apply to  
18 hearing care providers until they expire or are amended or repealed.

19           II. Registrations or licenses of hearing care providers under the former RSA 137-F shall be  
20 valid until they expire or are revoked or suspended as provided in RSA 326-F as amended by section  
21 183 of this act.

22           187 New Chapter; Department of Energy. Amend RSA by inserting after chapter 12-O the  
23 following new chapter:

24   CHAPTER 12-P

25   DEPARTMENT OF ENERGY

26           12-P:1 Definitions. In this chapter:

27           I. "Commission" means the public utilities commission.

28           II. "Commissioner" means the commissioner of energy.

29           III. "Department" means the department of energy.

30           12-P:2 Establishment; Purpose.

31           I. There shall be a department of energy under the executive direction of a commissioner of  
32 energy and consisting of the divisions of administration, policy and programs, enforcement, and  
33 regulatory support.

34           II. The purpose of this chapter is to improve the administration of state government by  
35 providing unified direction of policies, programs, and personnel in the field of energy and utilities,  
36 making possible increased efficiency and economies from integrated administration and operation of  
37 the various energy and utility related functions of the state government.

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1           III. In addition to its other functions, it shall be the duty of the department of energy to  
2 provide all necessary administrative, technical, and staff support to the public utilities commission  
3 to assist the commission in carrying out its regulatory and adjudicative functions.

4           IV. The department shall have the authority to investigate any matter that may come before  
5 the public utilities commission and to appear before the commission to advocate for the department's  
6 position and for the purposes of providing a complete record for consideration by the commission.

7           12-P:3 General Provisions.

8           I. Upon the recommendation of the commissioner after consultation with division directors  
9 concerned, the governor and council are authorized to approve revisions in internal administrative  
10 departmental organization as the governor and council find from time to time may improve or make  
11 more economical the administration of the department.

12           II. The department of energy is authorized to work with the department of business and  
13 economic affairs and the department of administrative services to coordinate the implementation of  
14 the establishment of the department, and to transfer appropriations and create the proper  
15 expenditure lines, if needed, for the establishment of their respective operations, including but not  
16 limited to the relocation of personnel, work stations, books, papers, personnel record files, and  
17 equipment, with the approval of the governor and council and of the director of personnel.

18           12-P:4 Commissioner; Deputy Commissioner; Directors.

19           I. The commissioner of the department of energy shall be appointed by the governor, with  
20 the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified  
21 to hold that position by reason of education and experience. Directors of departmental divisions  
22 shall be subject to the supervisory authority of the commissioner, which authority shall include  
23 power to establish department and divisional policy as well as to control the actual operations of the  
24 department and all divisions therein. The commissioner is authorized to establish any advisory  
25 committees and programs which the commissioner may deem necessary to carry out the mission and  
26 operations of the department.

27           II. The commissioner of energy shall nominate a deputy commissioner of energy for  
28 appointment by the governor and council. The deputy commissioner shall hold office for 4 years and  
29 until a successor has been appointed and qualified. The deputy commissioner shall be qualified to  
30 hold that position by reason of education and experience. The deputy commissioner shall perform  
31 such duties as the commissioner may assign. The deputy commissioner shall perform the duties of  
32 the commissioner if for any reason the commissioner is unable to do so.

33           III. Division directors shall be appointed to initial terms as stated below, and then  
34 subsequently to terms of 4 years. Terms notwithstanding, each division director shall serve until a  
35 successor has been appointed and qualified.

36           (a) The commissioner shall nominate for appointment by the governor and council a  
37 director of the division of policy and programs for an initial term of one year. All subsequent terms

1 shall be 4 years. The director of the division of policy and programs shall be qualified to hold that  
2 position by reason of education and experience.

3 (b) The commissioner shall nominate for appointment by the governor and council a  
4 director of the division of administration for an initial term of 2 years. All subsequent terms shall be  
5 4 years. The director of the division of administration shall be qualified to hold that position by  
6 reason of education and experience.

7 (c) The commissioner shall nominate for appointment by the governor and council a  
8 director of the division of enforcement for an initial term of 3 years. All subsequent terms shall be 4  
9 years. The director of the division of enforcement shall be qualified to hold that position by reason of  
10 education and experience.

11 (d) The commissioner shall nominate for appointment by the governor and council a  
12 director of the division of regulatory support for an initial term of 3 years. All subsequent terms  
13 shall be 4 years. The director of the division of regulatory support shall be qualified to hold that  
14 position by reason of education and experience.

15 IV. The salaries of the commissioner, the deputy commissioner, and each division director  
16 shall be as specified in RSA 94:1-a.

17 12-P:5 Duties of Commissioner. In addition to the powers, duties, and functions otherwise  
18 vested by law in the commissioner of the department of energy, the commissioner, except as  
19 otherwise provided in this chapter, shall:

20 I. Represent the public interest in the administration of the functions of the department of  
21 energy and be responsible to the governor, the general court, and the public for such administration.

22 II. Provide for, in consultation with the commissioner of the department of administrative  
23 services and the state treasurer, a system of accounts and reports which will ensure the integrity  
24 and lawful use of all fees, funds, and revenues collected by the department, the use of which is  
25 restricted by state or federal law.

26 III. Have the authority to receive, administer, and internally audit all present and future  
27 federal and state energy-related grant programs.

28 IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the  
29 continuance or granting of federal funds or other assistance intended to promote the administration  
30 of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the  
31 specific statutes administered by the department or by any division or unit within the department,  
32 whether the rulemaking authority delegated by the legislature is granted to the commissioner, the  
33 department, or any administrative unit or subordinate official of the department.

34 V. Have the authority to reorganize rules of the department to conform to the requirements  
35 of RSA 541-A and the uniform drafting and numbering system adopted by the division of  
36 administrative rules, office of legislative services. Reference changes shall be limited to title,  
37 chapter, part, and section designations and numbers and substitution of terms reflecting

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1 reorganization of the department to the existing statutory structure, and shall be made subject to  
2 review by the division of administrative rules, office of legislative services for consistency and  
3 accuracy of such changes. Such reference changes shall be integrated into the rules and such  
4 amendments to the rules shall become effective when notice of these reference changes is published  
5 by the director of legislative services in the rulemaking register. Reference changes made prior to  
6 July 1, 2022, shall be exempt from the procedures and requirements of RSA 541-A. Changes  
7 authorized under this section shall not affect the adoption or expiration date of rules changed under  
8 this section.

9 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person  
10 subject to the jurisdiction of the department of energy and the public utilities commission.

11 VII. Ensure that the department provides all necessary support to the public utilities  
12 commission, the site evaluation committee, office of the consumer advocate, and any other entity  
13 that is administratively attached to the department, provided that, other than for administrative  
14 functions, department employees shall not communicate with the public utilities commission and its  
15 staff in connection with any issue in a matter pending before the commission or the department,  
16 except upon notice and opportunity for all parties to participate.

17 12-P:6 Division of Administration. There is established within the department the division of  
18 administration, under the supervision of an unclassified director of the division of administration.  
19 The division, through its officials, shall be responsible for all functions, duties, and responsibilities  
20 which may be assigned to it by the commissioner or laws enacted by the general court.

21 12-P:7 Division of Policy and Programs. There is established within the department the division  
22 of policy and programs, under the supervision of an unclassified director of the division of policy and  
23 programs. The division, through its officials, shall be responsible for all functions, duties, and  
24 responsibilities which may be assigned to it by the commissioner or laws enacted by the general  
25 court. In addition, the division shall administer fuel assistance contracts and weatherization  
26 contracts. In administering fuel assistance and weatherization contracts, the division shall ensure  
27 that when an individual applies for fuel assistance or weatherization, the individual shall be  
28 provided with application forms and information about the Link-Up New Hampshire and Lifeline  
29 Telephone Assistance programs, and shall be provided assistance in applying for these programs.

30 12-P:7-a State Energy Strategy.

31 I. The division of policy and programs, with approval of the commissioner, and with  
32 assistance from an independent consultant and with input from the public and interested parties,  
33 shall prepare a 10-year energy strategy for the state. The division shall review the strategy and  
34 consider any necessary updates in consultation with the senate energy and natural resources  
35 committee and the house science, technology and energy committee, after opportunity for public  
36 comment, at least every 3 years starting in 2021. The state energy strategy shall include, but not be  
37 limited to, sections on the following:

1 (a) The projected demand for consumption of electricity, natural gas, and other fuels for  
2 heating and other related uses.

3 (b) Existing and proposed electricity and natural gas generation and transmission  
4 facilities, the effects of future retirements and new resources, and consideration of possible  
5 alternatives.

6 (c) Renewable energy and fuel diversity.

7 (d) Small-scale and distributed energy resources, energy storage technologies, and their  
8 potential in the state.

9 (e) The role of energy efficiency, demand response, and other demand-side resources in  
10 meeting the state's energy needs.

11 (f) The processes for siting energy facilities in the state and the criteria used by the site  
12 evaluation committee in giving adequate consideration to the protection of the state's ecosystems  
13 and visual, historic, and aesthetic resources in siting processes.

14 (g) The relationship between land use and transportation policies and programs on  
15 electricity and thermal energy needs in the state.

16 (h) New Hampshire's role in the regional electric markets, how the regional market  
17 affects the state's energy policy goals, and how the state can most effectively participate at the  
18 regional level.

19 II. The strategy shall include a review of all state policies related to energy, including the  
20 issues in paragraph I, and recommendations for policy changes and priorities necessary to ensure  
21 the reliability, safety, fuel diversity, and affordability of New Hampshire's energy sources, while  
22 protecting natural, historic, and aesthetic resources and encouraging local and renewable energy  
23 resources. The strategy shall also include consideration of the extent to which demand-side  
24 measures including efficiency, conservation, demand response, and load management can cost-  
25 effectively meet the state's energy needs, and proposals to increase the use of such demand resources  
26 to reduce energy costs and increase economic benefits to the state.

27 III. The strategy development process shall include review and consideration of relevant  
28 studies and plans, including but not limited to those developed by the independent system operator  
29 of New England (ISO-NE), the public utilities commission, the energy efficiency and sustainable  
30 energy board, legislative study committees and commissions, and other state and regional  
31 organizations as appropriate. The strategy shall also include consideration of new technologies and  
32 their potential impact on the state's energy future.

33 12-P:7-b Office of Offshore Wind Industry Development Established.

34 I. There is established in the department of energy the office of offshore wind industry  
35 development. The office shall be under the supervision of a classified director of the office of offshore  
36 wind industry development, who shall serve under the supervision of the commissioner. The



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1 director shall provide administrative oversight and ensure that the responsibilities of the office  
2 described in this section are fulfilled.

3 II. The office of offshore wind industry development shall:

4 (a) Support the work of the New Hampshire members of the Intergovernmental  
5 Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management  
6 (BOEM).

7 (b) Support the work of the offshore wind commission established in RSA 374-F:10.

8 (c) Assist the offshore wind commission to develop and implement offshore wind  
9 development strategies including:

10 (1) Assessment of port facilities.

11 (2) Economic impact analyses.

12 (3) Supply chain analyses.

13 (4) Outcome and performance measurements.

14 (d) Collaborate with key state agencies and partners on offshore wind industry  
15 development initiatives.

16 (e) Coordinate offshore wind industry economic development policy, including:

17 (1) Development of workforce.

18 (2) Identification of and recruitment of offshore wind development employers.

19 (3) Identification and recruitment of offshore wind supply chain employers.

20 (4) Promotion of New Hampshire's benefits to the various components of the offshore  
21 wind industry.

22 (5) Provide updates and guidance to the general court with regard to policy and  
23 funding.

24 12-P:8 Division of Enforcement. There is established within the department the division of  
25 enforcement, under the supervision of an unclassified director of the division of enforcement. The  
26 division, through its officials, shall be responsible for all functions, duties, and responsibilities which  
27 may be assigned to it by the commissioner or laws enacted by the general court.

28 12-P:9 Division of Regulatory Support. There is established within the department the division  
29 of regulatory support, under the supervision of an unclassified director of the division of regulatory  
30 support. The division, through its officials, shall be responsible for all functions, duties, and  
31 responsibilities which may be assigned to it by the commissioner or laws enacted by the general  
32 court. The division shall automatically be a party to all proceedings before the public utilities  
33 commission.

34 12-P:10 Specific Answers. The department or the commission may require any public utility or  
35 entity subject to its jurisdiction to make specific answers to questions upon which the department or  
36 commission may need information.

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1       12-P:11 Transfer of Functions, Powers, Duties. All of the functions, powers, duties, records,  
2 personnel, and property of the public utilities commission incorporated in the statutes establishing  
3 the department of energy and which replace the authority of the commission with the authority of  
4 the department of energy, are hereby transferred, as of July 1, 2021, to the department of energy.

5       12-P:12 Prohibited Service. No member of the commission shall render any professional service  
6 for any public utility in this state, or any affiliate thereof, or act as attorney or render professional  
7 service against any such public utility or affiliate; nor shall he or she be a member of a firm which  
8 renders any such service; nor shall he or she directly or indirectly be a party to any contract with  
9 any such public utility, except a contract for the transportation of telephone or telegraph messages,  
10 or a contract for the purchase of water, gas, or electricity or for other similar service.

11       12-P:13 Pipeline Operation Safety.

12           I. The department of energy shall apply annually to the Pipeline and Hazardous Materials  
13 Safety Administration of the United States Department of Transportation for authorization to take  
14 such actions on its behalf to oversee pipeline operation safety, security, monitoring, and compliance  
15 through an inspection process.

16           II. The department of energy shall report annually to the house science, technology, and  
17 energy committee prior to October 1 on the status of pipeline safety, new and proposed projects, any  
18 deficiency in state law that limits the department's ability to oversee interstate pipelines, or state  
19 regulations for pipelines that do not meet the minimum federal standard.

20       12-P:14 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the  
21 public utilities commission which are associated with any functions, powers, and duties, transferred  
22 to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall  
23 continue in effect and be enforced by the commissioner of the department of energy until they expire  
24 or are repealed or amended in accordance with applicable law.

25       12-P:15 Suppliers of Natural Gas and Aggregators of Natural Gas Customers; Rulemaking.

26           I. The department is authorized to adopt rules, pursuant to RSA 541-A, establishing  
27 requirements for suppliers of natural gas and the aggregators of natural gas customers, including  
28 registration of such suppliers and aggregators before soliciting or doing business in the state,  
29 registration fees, disclosure of information to customers, standards of conduct, submission to  
30 commission jurisdiction for mediation and resolution of disputes, imposition of penalties for failure  
31 to comply with commission requirements, and consumer protection and assistance requirements.

32           II. The department of energy shall adopt rules under RSA 541-A which require all natural  
33 gas companies to report to the department, the senate president, and the speaker of the house of  
34 representatives, in a uniform manner, lost and unaccounted for gas for each year.

35           (a) Such rules shall include a method using operational and billing data to determine the  
36 total amount of lost and unaccounted for gas and to identify and measure each of its components.

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(b) The department may grant waivers from the rules as necessary for the development of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a waiver shall include the goals of the innovative project, the expected cost, the expected benefit to ratepayers and the expected reduction in greenhouse gas emissions.

(c) For the purposes of this paragraph, "lost and unaccounted for gas" shall mean an amount of gas that is the difference between the total gas purchased by a gas company and the sum of: (1) total gas delivered to customers; and (2) total gas used by a gas company in the conduct of its operations.

III. This section shall not in any way affect the utility or non-utility status of any supplier of natural gas or aggregator of natural gas customers, nor shall it be construed to limit the commission's and the department of energy's existing authority with regard to the regulation of gas utilities or the scope of the commission's and the department's authority in considering whether to expand the availability of competitive natural gas supplies through the distribution system of gas utilities.

188 Department of Energy; Interim Commissioner. Until appointment of a commissioner under RSA 12-P:4, the governor may initially designate an interim commissioner to serve for up to 60 days from the effective date of this section.

189 Repeals. The following are repealed:

I. RSA 4-C, relative to the office of strategic initiatives; the governor's scholarship program and fund, and state demography.

II. RSA 4-E, relative to the state energy strategy.

III. RSA 12-O:51 and 52, relative to the office of offshore wind industry development.

190 Office of Strategic Initiatives; Revolving Funds; Reference Change. Amend RSA 6:12, I(b) (79) to read as follows:

(79) Moneys deposited in the publications revolving fund under ***RSA 12-O:60, I*** [~~RSA 4-C:9-a~~].

191 Office of Strategic Initiatives; Revolving Funds; Reference Change. Amend RSA 6:12, I(b)(169)

(169) Moneys deposited in the municipal and regional training fund under ***RSA 12-O:60, II*** [~~RSA 4-C:9-a, II~~].

192 Organization of the Executive Branch. Amend RSA 21-G:6-b, II to read as follows:

II. The executive departments are as follows:

(a) The department of administrative services.

(b) The department of agriculture, markets, and food.

(c) The department of banking.

(d) The department of business and economic affairs.

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- (e) The department of corrections.
- (f) The department of education.
- (g) The department of employment security.
- (h) The department of energy.**
- ~~[(h)]~~ **(i)** The department of environmental services.
- ~~[(i)]~~ **(j)** The department of health and human services.
- ~~[(j)]~~ **(k)** The department of information technology.
- ~~[(k)]~~ **(l)** The department of insurance.
- ~~[(l)]~~ **(m)** The department of labor.
- ~~[(m)]~~ **(n)** The department of military affairs and veteran services.
- ~~[(n)]~~ **(o)** The department of natural and cultural resources.
- ~~[(o)]~~ **(p)** The department of revenue administration.
- ~~[(p)]~~ **(q)** The department of safety.
- ~~[(q)]~~ **(r)** The department of transportation.

193 Department of Energy; Unclassified Positions Established.

I. The following positions are hereby established in the department of energy, shall be qualified by reason of education and experience, and shall be appointed and perform assigned duties according to applicable law:

Labor Grade	Title	Job Code	Position #
GG	Director of Regulatory Support	9U9962	GV008
GG	Director of Enforcement	9U9963	GV009
GG	Director of Policy & Programs	9U9964	GV010
GG	Director of Administration	9U9966	GV012
HH	Deputy Commissioner of Energy	9U9967	GV013
II	Commissioner of Energy	9U9968	GV020

II. The permanent salaries of these positions shall be determined after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

194 Public Utilities Commission; Unclassified Positions Established.

I. The following positions are hereby established in the public utilities commission, shall be qualified by reason of education or experience or both in one or more of the following areas: engineering, economics, accounting, finance, or law; and shall be appointed by the agency head and perform assigned duties according to applicable law. Each position shall be temporarily assigned to its respective unclassified salary letter grade, as follows:

Labor Grade	Title	Job Code	Position #
GG	Senior Advisor	9U9969	GV014
GG	Senior Advisor	9U9970	GV015

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1	GG	Senior Advisor	9U9971	GV016
2	GG	Senior Advisor	9U9972	GV017
3	GG	Senior Advisor	9U9973	GV018
4	GG	Senior Advisor	9U9974	GV019

5           II. The permanent salaries of these positions shall be determined after assessment and  
6 review of the appropriate letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be  
7 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

8           195 New Subdivision; Department of Business and Economic Affairs; Office of Planning and  
9 Development. Amend RSA 12-O by inserting after section 52 the following new subdivision:

10                           Office of Planning and Development

11           12-O:53 Office of Planning and Development.

12           I. There is established the office of planning and development within the department of  
13 business and economic affairs. The office of shall be under the supervision of a classified director of  
14 the office of planning and development, who shall serve under the supervision of the commissioner.

15           II. The office of planning and development shall:

16               (a) Plan for the orderly development of the state and the wise management of the state's  
17 resources.

18               (b) Compile, analyze, and disseminate data, information, and research services as  
19 necessary to advance the welfare of the state.

20               (c) Encourage and assist planning, growth management, and development activities of  
21 cities and towns and groups of cities and towns with the purpose of encouraging smart growth.

22               (d) Encourage the coordination and correlation of state planning by agencies of state  
23 government.

24               (e) Participate in interstate, regional, and national planning efforts.

25               (f) Administer federal and state grant-in-aid programs assigned to the office by statute  
26 or executive order.

27               (g) Participate and advise in matters of land use planning regarding water resources  
28 and floodplain management.

29               (h) Take a leadership role in encouraging smart growth and preserving farmland, open  
30 space land, and traditional village centers.

31               (i) Administer the following programs: the statewide comprehensive outdoor recreation  
32 plan, the national flood insurance program, and the land conservation investment program. The  
33 office shall employ necessary personnel to administer these programs.

34               (j) Perform such other duties as the commissioner may assign.

35           12-O:54 State Development Plan.

36           I. The office of planning and development, under the direction of the commissioner, shall:

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1           (a) Assist the commissioner in preparing, publishing, and revising the comprehensive  
2 development plan required under RSA 9-A.

3           (b) Coordinate and monitor the planning efforts of various state agencies and  
4 departments to ensure that program plans published by such agencies are consistent with the  
5 policies and priorities established in the comprehensive development plan.

6           (c) Coordinate and monitor the planning efforts of the regional planning commissions to  
7 ensure that the plans published by the commissions are consistent, to the extent practical, with the  
8 policies and priorities established in the state development plan.

9           II. In preparing the state development plan, the office of planning and development shall  
10 consult with the chief executive officers of the various departments and agencies of state  
11 government. The office shall also consult with officials of regional planning commissions and  
12 regional and local planning and development agencies, local officials, representatives of the business  
13 and environmental community, and the general public.

14           III. All state agencies and departments shall provide the office of planning and development  
15 with information and assistance as required by the office to fulfill its responsibilities under  
16 paragraph I. The office shall maintain the confidentiality of any information which is protected by  
17 law.

18           12-O:55 Data and Information Services. The office of planning and development shall:

19           I. Gather, tabulate, and periodically publish information on the location and pace of  
20 development throughout the state, including, but not limited to, population, housing, and building  
21 permit data.

22           II. Initiate data coordination procedures as the state agency responsible for coordinating  
23 data collection and dissemination among the state, the private sector, and the various political  
24 subdivisions.

25           III. Gather information for storage in a data bank concerning the data which is currently  
26 available within all state agencies. This data shall be used to provide information which is useful in  
27 measuring growth and its impact and for statewide planning purposes in general. The data  
28 available for dissemination shall include, but shall not be limited to, information for determining  
29 future demands for state services and demographic and economic statistics. Any other state agency  
30 or department which initiates a data collection program shall inform the office of planning and  
31 development of its efforts so that the office may utilize that information for planning purposes in its  
32 dissemination program.

33           IV. Cooperate with the department of environmental services in identifying potential sites  
34 for hazardous waste facilities.

35           V. Develop and maintain a computerized geographic information system in support of state,  
36 regional, or local planning and management activities.

VI. Cooperate with the Bureau of the Census and other federal agencies with the objective of improving access to the statistical products, data, and information of the federal government.

VII. Annually estimate the resident population for all cities and towns of the state pursuant to RSA 78-A:25.

12-O:56 Policies and Plans.

I. The office of planning and development shall formulate policies and plans for consideration by the commissioner and the governor which serve to integrate and coordinate resource and development activities affecting more than one state agency, level of government, or governmental function. Such activities may include, but shall not be limited to, the following subject areas:

- (a) Water resources.
- (b) Transportation.
- (c) Recreation and natural resources.
- (d) Solid waste and hazardous waste management.
- (e) Off-shore, coastal, and estuarine resources.
- (f) Housing.
- (g) Economic development.
- (h) Energy.
- (i) Shoreland protection.
- (j) Smart growth.

12-O:57 Program Established. The director of the office of planning and development shall establish a program of regional and municipal assistance within the office of planning and development. This program shall coordinate state, regional, and local planning efforts with the goal of assuring delivery of efficient and effective assistance to local governments in areas related to growth management and resource protection.

12-O:58 Responsibilities for Assistance. The office of planning and development shall:

I. Provide technical assistance and, within the limits of biennial legislative appropriations, financial grants to regional planning commissions established under RSA 36:45-36:53 in support of:

- (a) Planning assistance to local units of government.
- (b) Preparation of regional plans.
- (c) Contributions to and coordination with statewide planning and management activities, including the formulation and updating of the comprehensive state development plan prepared pursuant to RSA 12-O:54.

II. As requested and in cooperation with regional planning commissions, provide technical assistance and information in support of the planning and growth management efforts of local units of government, including training requested under RSA 673:3-a. The office shall encourage municipalities to first seek assistance from established regional planning commissions.

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1           III. Provide computer interface capability among and between each regional planning  
2 commission, the office of strategic initiatives, and state data collection and storage sources. The  
3 computer interface capability shall be used by regional planning commissions to respond to  
4 municipal requests for assistance in the preparation and amending of master plans and in the  
5 evaluation of municipal infrastructure needs. The computer interface capability shall also be used  
6 by regional planning commissions to develop and update regional master plans, as provided in RSA  
7 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and  
8 able to interface with the office of planning and development's geographic information system, as  
9 well as with other similar state computerized data collection and storage sources.

10           IV. Provide technical assistance and information to municipalities with the cooperation of  
11 other state and regional planning agencies in the following areas:

12               (a) Use and application of geographic data available in the state's geographic  
13 information system (GIS) for local planning and growth management purposes.

14               (b) Recommending standard procedures for the establishment of accurate, large-scale  
15 base mapping to support municipal administrative functions such as tax assessment, public facility  
16 management and engineering.

17           12-O:59 Coordination at State Level. The office of planning and development shall coordinate  
18 efforts by state agencies to provide technical assistance to municipal governments in areas related to  
19 growth management and resource protection.

20           12-O:60 Revolving Funds. In order to enhance its ability to provide education and training  
21 assistance to municipalities and regional agencies, the following nonlapsing revolving funds, which  
22 shall not exceed \$20,000 on June 30 of each year, shall be established in the office of planning and  
23 development:

24               I. A revolving fund known as the publications revolving fund.

25                   (a) The moneys in this fund shall be used for the purposes of printing materials for  
26 distribution. A reasonable charge shall be established for each copy of a document. This charge  
27 shall be only in the amount necessary to pay the cost of producing such document.

28                   (b) The amount in the nonlapsing publications revolving fund shall not exceed \$20,000,  
29 on June 30 of each year and any amounts in excess of \$20,000 on June 30 of each year shall be  
30 deposited in the general fund as unrestricted revenue.

31               II. A revolving fund known as the municipal and regional training fund.

32                   (a) The moneys in this fund shall be used for the purpose of providing training to local  
33 and regional officials. A reasonable charge shall be established for such training. This charge shall  
34 be fixed to reflect the cost of payments to experts to provide the training, the cost of written training  
35 material, rental of facilities, advertising and other associated costs. Such training shall be  
36 conducted in a geographically dispersed manner and scheduled with the convenience of part-time  
37 officials in mind.



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(b) The amount in the nonlapsing municipal and regional training revolving fund shall not exceed \$20,000 on June 30 of each year and any amounts in excess of \$20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue.

196 State Development Plan. Amend RSA 9-A:2 to read as follows:

9-A:2 ~~[Office of Strategic Initiatives]~~ **Office of Planning and Development.** The office of ~~[strategic initiatives]~~ **planning and development**, under the direction of the ~~[governor]~~ **commissioner of business and economic affairs**, shall:

I. Assist the ~~[governor]~~ **commissioner** in preparing, publishing and revising the comprehensive development plan.

II. Develop and maintain a technical data base of information to support statewide policy development and planning.

III. Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

IV. Coordinate and monitor the planning efforts of the regional planning commissions.

197 State Development Plan; References Changed. Amend RSA 9-A:4 to read as follows:

9-A:4 Consultation With Other Agencies.

I. In preparing the state development plan, the office of ~~[strategic initiatives]~~ **planning and development** shall consult with the chief executive officers of the various departments and agencies of state government with responsibilities which are relevant to economic development.

II. The office may also consult with officials of regional and local planning and development agencies and representatives of business and industry.

III. All state agencies and departments shall provide the office of ~~[strategic initiatives]~~ **planning and development** with such information and assistance required by the office to fulfill its responsibilities under RSA 9-A:2. The office shall maintain the confidentiality of any information which is protected by law.

198 Name Change; Office of Planning and Development. Amend the following RSAs by replacing "office of strategic initiatives" with "office of planning and development": RSA 4-F:1; 12-G:13; 17-M:2; 21-O:5-a; 21-P:48; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-O:5-a; 126-A:4; 162-L:15; 162-L:19; 204-C:8; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-G:2; 227-M:4; 233-A:2; 235:23; 238:20; 270:64; 270:71; 432:19; 482-A:32; 483:8; 483:10; 483-A:6; 483-A:7; 483-B:5; 483-B:12; 483-B:16; 483-B:22; 485-A:4; 673:3-a; 674:3; 675:9.

199 Council on Resources and Development; Membership. Amend RSA 162-C:1 to read as follows:

162-C:1 Council Established. There is established a council on resources and development which shall include the following members:

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1           I. ~~[The director or assistant director of the office of strategic initiatives who shall serve as~~  
2 ~~chairperson of the council.~~

3           ~~II.]~~ The commissioner or appropriate division director, department of business and economic  
4 affairs, or designee, ***who shall serve as chairperson of the council.***

5           ~~[III.]~~ **II.** The commissioner or assistant commissioner, department of environmental  
6 services, or designee.

7           ~~[IV.]~~ **III.** The commissioner or appropriate division director, department of agriculture,  
8 markets, and food, or designee.

9           ~~[V.]~~ **IV.** The executive director or appropriate division director, fish and game department,  
10 or designee.

11           ~~[VI.]~~ **V.** The commissioner or assistant commissioner, department of safety, or designee.

12           ~~[VII.]~~ **VI.** The commissioner of the department of health and human services or a member of  
13 the senior management team, or designee.

14           ~~[VIII.]~~ **VII.** The commissioner or assistant commissioner, department of education, or  
15 designee.

16           ~~[IX.]~~ **VIII.** The commissioner or assistant commissioner, department of transportation, or  
17 designee.

18           ~~[X.]~~ **IX.** The commissioner or appropriate division director, department of natural and  
19 cultural resources, or designee.

20           ~~[XI.]~~ **X.** The commissioner or appropriate division director, department of administrative  
21 services, or designee.

22           ~~[XII.]~~ **XI.** The executive director or chairman of the New Hampshire housing finance  
23 authority, or designee.

24           200 Name Change; Department of Energy. Amend the following RSAs by replacing "office of  
25 strategic initiatives" with "department of energy": RSA 9-E:5; 12-K:2; 12-K:3; 12-K:6; 12-K:8; 12-  
26 K:9; 38-D:6; 147-B:4; 162-H:10; 167:4-c; 369-B:2; 374:22-j.

27           201 Reference Changed: State Energy Strategy; Offshore Wind Commission. Amend RSA 374-  
28 F:10, I to read as follows:

29           I. There is established a commission to investigate, in parallel with the work of the Gulf of  
30 Maine Intergovernmental Renewable Energy Task Force established by the Bureau of Ocean Energy  
31 Management (BOEM) study, the economic development opportunities for New Hampshire in supply  
32 chain needs, port capabilities, workforce development, energy procurement, transmission and  
33 storage, and fisheries and marine environment, to ensure the success of offshore wind in the Gulf of  
34 Maine. The commission may consider, at an appropriate time, in relation to the New Hampshire  
35 state energy strategy, outlined in RSA ~~[4-E]~~ **12-P**, if contracts with developers and utilities can  
36 deliver lower costs to ratepayers. The commission may coordinate with the advisory boards

established in Executive Order 2019-06 as to assist the commission in reaching its recommendations.

202 Reference Changed; State Energy Policy; Least Cost Energy Planning. Amend RSA 378:38, VII to read as follows:

VII. An assessment of plan integration and consistency with the state energy strategy under RSA ~~[4-E:1]~~ **12-P**.

203 Reference Changed; Motor Vehicle Waste Fee. Amend the introductory paragraph of RSA 261:153, V to read as follows:

V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I, there may be collected an additional fee for the purposes of a town reclamation trust fund as established in RSA 149-M:18. Of this amount, \$.50 shall be retained by the city official designated by the city government or by the town clerk for administrative costs and the remaining amount shall be deposited into the reclamation trust fund established by the town for the purpose of paying collection and disposal fees for the town's motor vehicle waste and paying for the recycling and reclamation of other types of solid waste. For the purposes of this paragraph, "motor vehicle waste" means "motor vehicle waste" as defined in RSA 149-M:18. A town which collects such additional fees shall not charge a disposal fee for motor vehicle waste at the town's solid waste disposal facility. If a town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor vehicle waste, it shall notify the office of ~~[strategic initiatives]~~ **planning and development**. The office shall study the fee in accordance with RSA ~~[4-C:1]~~ **12-O:53** and make recommendations, if necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle as follows:

204 Public Utilities Commission; Commission; Term. Amend RSA 363:1 to read as follows:

363:1 Commission; Term. There shall be a public utilities commission, ***which shall be an independent agency administratively attached to the department of energy pursuant to RSA 21-G:10. The chair of the commission shall have the powers and duties set forth in RSA 21-G:9. The commission shall be*** composed of 3 commissioners who shall be full-time employees and who shall engage in no other gainful employment during their terms as members. Their term of office shall be for 6 years. Of the 3 commissioners, one shall be an attorney and a member of the New Hampshire Bar and one shall have either background or experience or both in one or more of the following: engineering, economics, accounting or finance.

205 Repeal. RSA 363:4-a, relative to duties of commissioners of the public utilities commission, is repealed.

206 Public Utilities Commission; Prohibition on Future Employment. Amend RSA 363:12-b to read as follows:

363:12-b Prohibition on Future Employment. No commissioner, ***or former*** executive director, finance director, ***or*** general counsel~~[, or chief engineer]~~ of the commission shall accept any

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employment with any utility under the control of the commission until one year after he or she shall become separated from the commission.

207 Public Utilities Commission; Quorum. Amend RSA 363:16 to read as follows:

363:16 Quorum. A majority of the commission shall constitute a quorum to issue orders ~~[or adopt rules]~~, and any hearing ~~[or investigation]~~ may be held or conducted by 2 commissioners or by a single commissioner.

208 Public Utilities Commission; Request for Full Commission. Amend RSA 363:17 to read as follows:

363:17 Request for Full Commission. No hearing ~~[or investigation]~~, except in accident cases, shall be held or conducted by a single commissioner if any party whose interests may be affected shall, 5 days before the date of hearing, file a request in writing that the same be held or conducted by the full commission, or a majority thereof. If no such request is filed, the commission may assign one of its members or appoint a qualified member of its staff as examiner to hear the parties, report the facts, and make recommendations to the commission.

209 Repeal. The following are repealed:

I. RSA 363:18-a, relative to the authority of the public utilities commission to contract for power.

II. RSA 363:22-a, relative to pipeline operation safety.

210 Public Utilities Commission; Staff. Amend RSA 363:27 to read as follows:

363:27 Staff~~[- Separation of Functions]~~.

I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the commission shall have the power, subject to the state personnel regulations and within the limits of the appropriation for such purpose, to employ and fix the compensation of such regular staff, including experts, as it shall deem necessary. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the public utilities commission, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commission, may authorize an additional assessment pursuant to RSA 363-A for such purpose.

II. The staff of the commission shall be organized as the ~~[commission]~~ **chairperson** determines best achieves its statutory responsibilities.

III. ~~[Executive Director and General Counsel. The commission shall appoint an executive director, who shall serve for a term of 4 years. The commission shall also appoint a general counsel, who shall serve for a term of 4 years and until a successor is appointed and qualified.]~~ **"Staff" means the employees of the commission and any consultants and other contractors retained by the commission for the purpose of assisting the commission and its employees in providing advice or information, or for the purpose of supplementing the work of the commission and its employees.**

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~~[IV. Director of Safety and Security. The commission shall appoint a director of safety and security, who shall serve a term of 4 years. The director of safety and security shall be qualified to hold that position by reason of education and experience and shall perform such duties as are assigned by the chairman of the commission.]~~

211 Office of the Consumer Advocate; Attachment to Department of Energy. Amend the introductory paragraph of RSA 363:28, I to read as follows:

I. The office of the consumer advocate shall be an independent agency administratively attached to the ~~[public utilities commission]~~ **department of energy** pursuant to RSA 21-G:10. The office shall consist of the following:

212 Office of the Consumer Advocate; Attachment to Department of Energy. Amend RSA 363:28, III to read as follows:

III. The consumer advocate shall have authority to contract for outside consultants within the limits of funds available to the office. With the approval of the fiscal committee of the general court and the governor and council, the office of the consumer advocate may employ experts to assist it in proceedings before the public utilities commission, and may pay them reasonable compensation. The ~~[public utilities commission]~~ **department of energy** shall charge a special assessment for any such amounts against any utility participating in such proceedings and shall provide for the timely recovery of such amounts for the affected utility.

213 Repeal. RSA 363:30 through RSA 363:36, relative to participation of staff of the public utilities commission in adjudicative proceedings, are repealed.

214 Public Utilities Commission; Complaints. Amend RSA 363:39 to read as follows:

363:39 Complaints ~~[to the Commission]~~. When complaints to the ~~[public utilities commission]~~ **department of energy** are initiated by residential customers, the ~~[commission]~~ **department** shall provide to the consumer advocate access to the complaint, by paper or electronically, with the customer name blocked out, at the same time as the ~~[commission]~~ **department** forwards the complaint to the utility in compliance with ~~[commission]~~ **department** rules.

215 Electric Vehicle Charging Stations Infrastructure Commission; Membership. Amend RSA 4-G:1, II(a)(1) to read as follows:

(1) ~~[Office of strategic initiatives]~~ **Department of energy**.

216 Electric Vehicle Charging Stations Infrastructure Commission; Duties. Amend RSA 4-G:1, III(f) to read as follows:

(f) Changes needed to state laws, rules, and practices, including building codes, **department of energy rules**, and public utilities commission rules, to further the development of zero emission vehicle technology and infrastructure.

217 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. Amend RSA 6:12-b to read as follows:

6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On request of the ~~[public utilities commission]~~ **department of energy**, the state treasurer shall maintain custody over funds collected by order of the public utilities commission consisting of only that portion of the system benefits charge directly attributable to programs for low income customers as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with terms and conditions established by the ~~[public utilities commission]~~ **department of energy**. Plans for the administration of such funds shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the ~~[public utilities commission]~~ **department of energy**. Appropriations and expenditures of such funds in fiscal years 2002 and 2003 shall be approved by the fiscal committee of the general court and the governor and council prior to submission to the ~~[public utilities commission]~~ **department of energy**. For each biennium thereafter, appropriations and expenditures of such funds shall be made through the biennial operating budget.

218 Energy Efficiency and Clean Energy Districts. Amend RSA 53-F:6, I to read as follows:

I. Improvements financed pursuant to an agreement under this chapter shall be based upon an audit performed by a person who has been certified as a building analyst by the Building Performance Institute or who has obtained other appropriate certification as determined by the ~~[public utilities commission]~~ **department of energy** or another appropriate New Hampshire-based entity. The audit shall identify recommended energy conservation and efficiency and clean energy improvements; provide the estimated energy cost savings, useful life, benefit-cost ratio, and simple payback or return on investment for each improvement; and provide the estimated overall difference in annual energy costs with and without recommended improvements. Financed improvements shall be consistent with the audit recommendations. The cost of the audit may be included in the total amount financed under this chapter.

219 Enhanced 911 Commission; Membership. Amend the introductory paragraph of RSA 106-H:3, I(a) to read as follows:

(a) There is hereby established an enhanced 911 commission consisting of 19 members, including the director of the division of fire standards and training and emergency medical services or designee, the ~~[chairman of the public utilities commission]~~ **commissioner of the department of energy** or designee, the commissioner of the department of safety or designee, a public member, a police officer experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

220 Energy Efficiency and Sustainable Energy Board; Membership. Amend RSA 125-O:5-a, II(b) to read as follows:

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

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- 1 (a) The chairman of the public utilities commission, or designee.
- 2 (b) The ~~[director of the office of strategic initiatives]~~ **commissioner of the department**
- 3 **of energy**, or designee.
- 4 (c) The consumer advocate, or designee.
- 5 (d) The commissioner of the department of environmental services, or designee.
- 6 (e) The commissioner of the department of business and economic affairs, or designee.
- 7 (f) The president of the Business and Industry Association of New Hampshire, or
- 8 designee.
- 9 (g) The executive director of the New Hampshire Municipal Association, or designee.
- 10 (h) The executive director of New Hampshire Legal Assistance, or designee.
- 11 (i) The president of the Homebuilders and Remodelers Association of New
- 12 Hampshire, or designee.
- 13 (j) Two members of the house science, technology and energy committee appointed by
- 14 the speaker of the house of representatives.
- 15 (k) One member of the senate energy, environment and economic development
- 16 committee, appointed by the president of the senate.
- 17 (l) Three representatives from not-for-profit groups representing energy, environmental,
- 18 consumer, or public health issues and knowledgeable in energy conservation policies and programs,
- 19 appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of the department of**
- 20 **energy**.
- 21 (m) The commissioner of the department of administrative services, or designee.
- 22 (n) The state fire marshal, or designee.
- 23 (o) The executive director of the New Hampshire housing finance authority, or designee.
- 24 III. The board shall include, as nonvoting participants, the following:
- 25 (a) One representative from each utility-administered electric and natural gas energy
- 26 efficiency program appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of**
- 27 **the department of energy**.
- 28 (b) A representative of energy services companies delivering energy efficiency services to
- 29 residential and business customers, appointed by the ~~[chairman of the public utilities commission]~~
- 30 **commissioner of the department of energy**.
- 31 (c) A representative of a business or association of businesses selling or installing
- 32 sustainable or renewable energy systems, appointed by the ~~[chairman of the public utilities~~
- 33 ~~commission]~~ **commissioner of the department of energy**.
- 34 (d) A representative from the investment community with expertise in efficiency
- 35 investments and financing, appointed by the ~~[chairman of the public utilities commission]~~
- 36 **commissioner of the department of energy**.

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1           IV. The chairman of the public utilities commission shall call the first meeting of the board.  
2 The board shall elect a chairperson from among its members. Seven members of the board shall  
3 constitute a quorum. The board shall make an annual report on December 1 to the governor, the  
4 speaker of the house of representatives, the president of the senate, the house science, technology  
5 and energy committee, the senate energy, environment and economic development committee, *the*  
6 *department of energy*, and the public utilities commission, to provide an update on its activities  
7 and recommendations for action including possible legislation.

8           V. The board shall be administratively attached to the ~~[public utilities commission]~~  
9 *department of energy* under RSA 21-G:10.

10         221 State Building Code Review Board; Membership. Amend RSA 155-A:10, I(k) to read as  
11 follows:

12           (k) One representative from the New Hampshire ~~[public utilities commission]~~  
13 *department of energy*, nominated by the ~~[chairman of the commission]~~ *commissioner of the*  
14 *department of energy*.

15         222 Nuclear Decommissioning Financing Committee; Membership. Amend RSA 162-F:15, II to  
16 read as follows:

17           II. Each committee shall consist of one person who is a resident of the town or city in which  
18 the facility is located and who shall be appointed by the selectmen of the town or the mayor and  
19 council of the city, the chairman of the public utilities commission, *the commissioner of the*  
20 *department of energy*, one senator, to be appointed by the senate president, one house member, to  
21 be appointed by the speaker of the house of representatives, the state treasurer or designee, the  
22 commissioner of the department of health and human services or designee, *and* the commissioner of  
23 the department of safety or designee~~[- and the director of the governor's office of energy and~~  
24 ~~community services or designee].~~

25         223 Conduct of Studies Concerning Changes in Laws and Regulations with a View to Atomic  
26 Development. Amend RSA 162-B:3, IV to read as follows:

27           IV. The public utilities commission *and the department of energy*, particularly as to the  
28 transportation of special nuclear materials and by-product materials by common carriers or public or  
29 private air carriers not in interstate commerce and as to the participation by public utilities subject  
30 to ~~[its]~~ *their* jurisdiction in projects looking to the development of production or utilization facilities  
31 for industrial or commercial use.

32         224 New Hampshire Building Code; Energy Code Compliance Form. Amend RSA 155-A:10-a to  
33 read as follows:

34         155-A:10-a Energy Code Compliance Form. The state building code review board shall prescribe  
35 by rule and make available to the public, in electronic formats, a simplified residential energy code  
36 compliance form based upon the energy provisions in the International Residential Code and the  
37 International Energy Conservation Code identified in RSA 155-A:1. The correctly completed form



1 shall be accepted by all code enforcement authorities within the state of New Hampshire as one  
2 method of verification that the applicable project meets the code requirements. Completed  
3 compliance forms shall be submitted to the building official in those municipalities that have  
4 adopted an enforcement mechanism under RSA 674:51. For municipalities without an adopted code  
5 enforcement mechanism, completed compliance forms shall be submitted to the New Hampshire  
6 ~~[public utilities commission]~~ **department of energy**, on behalf of the building code review board, for  
7 verification that the applicable project meets the code requirements. The ~~[public utilities~~  
8 ~~commission]~~ **department of energy** shall then forward the reviewed compliance forms to the  
9 municipality for retention in property records.

10 225 Organization of Nuclear Decommissioning Financing Committees. Amend RSA 162-F:17, I  
11 to read as follows:

12 I. The temporary chairman of each committee formed, who shall be the ~~[chairman of the~~  
13 ~~public utilities commission]~~ **commissioner of the department of energy**, shall call an  
14 organizational meeting within 90 days of formation. At the organizational meeting, the committee  
15 shall select a chairman to serve for a 3-year term, elect such other officers as the members shall  
16 determine, and establish a schedule of meetings for determining the requirements of the  
17 decommissioning fund.

18 226 Decommissioning of Nuclear Electric Generating Facilities; Report; Public Hearing. Amend  
19 RSA 162-F:21, III-IV to read as follows:

20 III. Each committee shall rely on all available data and experience in determining the  
21 amount of such fund including, but not limited to, information from the Nuclear Regulatory  
22 Commission; the public utilities commission; **the department of energy**, the owner or owners of the  
23 facility; municipal and regional planning commissions and municipal governing bodies; and relevant  
24 construction cost indices. The committee shall publish a transcript of all proceedings during which  
25 information was presented or offered into testimony, and a detailed analysis of the facts and figures  
26 used in determining the amount of the fund.

27 IV. Following the committee's deliberation and prior to final hearing, the plan for scheduled  
28 payments into the fund and relevant evidence, including the transcripts and analysis published  
29 pursuant to RSA 162-F:21, III, shall be available for public review in the clerk's office of the city or  
30 town where the facility is located and in the office of the ~~[public utilities commission]~~ **department of**  
31 **energy** at least 30 days prior to the one or more public hearings on the committee's proposed plan.  
32 At least one hearing shall be held in the city or town where the facility is located. A notice of the  
33 time and place of each hearing shall be posted in 2 appropriate public places in the city or town  
34 where the facility is located and shall be printed at least twice in a newspaper of general circulation  
35 for that city or town and in a newspaper of state-wide circulation 2 weeks prior to each hearing.  
36 Testimony presented at the hearings held pursuant to this paragraph shall be taken into

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consideration by the committee when it formalizes the payment schedule plan. All testimony shall be transcribed and made a permanent record.

227 Site Evaluation Committee; Membership; Administrative Attachment. Amend RSA 162-H:3, IV to read as follows:

IV. The committee shall be administratively attached to the ~~[public utilities commission]~~ **department of energy** pursuant to RSA 21-G:10.

228 Committee Established. There is established a committee to study necessary revisions to the site evaluation committee.

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

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

(b) Three members of the house of representatives, at least one of whom shall be a member of the science, technology, and energy committee, one of whom shall be a member of the finance committee, and at least one of whom shall be a member of the minority party, appointed by the speaker of the house of representatives.

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

III. The committee shall:

(a) Evaluate the current structure, processes, authorities, funding, and functions of the site evaluation committee and whether the statutory purpose and original legislative intent of the site evaluation committee is being achieved.

(b) Review the structure, processes, authorities, funding, and functions of public bodies with jurisdiction over siting large energy facilities that have been established by other states.

(c) Consider the site evaluation committee's relationship to the department of energy and other state agencies.

(d) Review the timeliness of site evaluation committee decisions, the on-going enforcement of certificates issued by the site evaluation committee, public input to the orderly siting of energy infrastructure, and any changes required to minimize delays siting energy infrastructure.

(e) Make recommendations for legislation to restructure the site evaluation committee no later than October 1, 2021.

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

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

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1       229 Minimum Energy Efficiency Standards for Certain Products; Definitions. Amend RSA 339-  
2 G:1, II to read as follows:

3           II. [~~"Commission" means the public utilities commission.~~] **"Department" means the**  
4 **department of energy.**

5       230 Reference Change; Minimum Energy Efficiency Standards for Certain Products;  
6 Department. Amend the following RSA provisions by replacing the term "commission" with  
7 "department": 339-G:3, III(b), 339-G:4, II, 339-G:5, 339-G:6, 339-G:7, 339-G:8, 339-G:9.

8       231 Gas Companies; When Public Utilities. Amend RSA 362:4-b, III to read as follows:

9           III. Nothing in this section prevents the [~~commission~~] **department of energy** from  
10 monitoring or enforcing the provisions of federal pipeline safety standards relative to liquefied  
11 petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act.

12       232 New Paragraph; Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-  
13 A:1-a by inserting after paragraph II-d the following new paragraph:

14           II-e. "Department" means the New Hampshire department of energy.

15       233 Reference Change; Net Energy Metering; Department of Energy. Amend the following RSA  
16 provisions by replacing the term "commission" with "department": 362-A:9, X-XII.

17       234 Net Energy Metering. Amend RSA 362-A:9, XIV to read as follows:

18           XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing  
19 or otherwise controlling the energy costs of a group of customers who are not customer-generators.  
20 The group of customers shall be located within the service territory of the same electric distribution  
21 utility as the host. The host shall provide a list of the group members to the commission and the  
22 electric distribution utility and shall certify that all members of the group have executed an  
23 agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility  
24 and that the total historic annual load of the group members together with the host exceeds the  
25 projected annual output of the host's facility. The [~~commission~~] **department** shall verify that these  
26 group requirements have been met and shall register the group host. The [~~commission~~] **department**  
27 shall establish the process for registering hosts, including periodic re-registration, and the process by  
28 which changes in membership are allowed and administered. Net metering tariffs under this section  
29 shall not be made available to a customer-generator group host until such host is registered by the  
30 [~~commission~~] **department.**

31           (b) Except as provided in subparagraph (c), the provisions of this section shall apply to a  
32 group host as a customer-generator.

33           (c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at  
34 the end of each billing cycle at rates consistent with the credit the group host receives relative to its  
35 own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be  
36 applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on  
37 the customer electric bill for each member and the host, with the utility being allowed the most cost-

effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a. On or before July 1, 2022, the ~~[commission]~~ **department** shall report on the costs and benefits of such an addition and the development of the market for low-moderate income community solar projects, and provide a recommendation on whether the addition shall be increased or decreased. The ~~[commission]~~ **department** shall report on the costs and benefits of low-moderate income community solar projects, as defined in RSA 362-F:2, X-a on or before June 1, 2020. The ~~[commission]~~ **department** shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

(d) [Repealed.]

(e) The **department is authorized to petition the** commission ~~[is authorized]~~ to assess fines against, revoke the registration of, and prohibit from doing business in the state, any group host which violates the requirements of this paragraph and rules adopted pursuant to this paragraph. **The commission is authorized to grant or deny such petitions.**

235 Repeal. RSA 362-F:2, IV, relative to the definition of "commission" as it pertains to electric renewable portfolio standards, is repealed.

236 Electric Renewable Energy Classes; Reference Changed. Amend RSA 362-F:4, I(i)-(k) to read as follows:

(i) The incremental new production of electricity in any year from an eligible biomass or methane source or any hydroelectric generating facility licensed or exempted by Federal Energy Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical generation baseline, provided the ~~[commission]~~ **department of energy** certifies demonstrable completion of capital investments attributable to the efficiency improvements, additions of capacity, or increased renewable energy output that are sufficient to, were intended to, and can be demonstrated to increase annual renewable electricity output. The determination of incremental production shall not be based on any operational changes at such facility but rather on capital investments in efficiency improvements or additions of capacity.

(j) The production of electricity from a class III or IV source that has begun operation as a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and equipment, but not its property and intangible assets, is derived from capital investment directly related to restoring generation or increasing capacity including department permitting requirements for new plants. Such production shall not qualify for class III or IV certificates. Commencing July 1, 2013, a class III source eligible as a class I source under this subparagraph or subparagraph (i) may submit a notice to the ~~[commission]~~ **department of energy** electing to be a class III source instead of a class I source. Once such notice is given, the production from such a source shall qualify for class III certificates, provided the source meets the other requirements of a class III eligible biomass technology.

(k) The production of electricity from any fossil-fueled generating facility that originally commenced operation prior to January 1, 2006, if after January 1, 2012 such facility co-fires with class I eligible biomass fuels to displace the combustion of an amount of fossil fuels. The portion of the total electrical energy output that qualifies as class I from a facility in a given time period shall be the fraction of electrical production derived from the combustion of biomass fuels based on the heat input at the facility in that time period as determined by the ~~[commission]~~ **department of energy** in consultation with the department. To qualify under this paragraph, the electricity generation facility that co-fires with biomass fuels shall:

(1) Either have a quarterly average nitrogen oxide (NOx) emission rate, as measured and verified under RSA 362-F:12, of less than or equal to 0.075 pounds/million British thermal units (lbs/Mmbtu) or be a participant in a plan approved by the department for reductions in NOx from other emission sources. The quantity of reductions required shall be the fraction of electrical production derived from the combustion of biomass fuels, as determined under this paragraph, multiplied by the difference between the generation unit's NOx emissions rate and the 0.075 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or individually, in NOx emissions from other emission sources under the jurisdiction of the department and demonstrate that the reductions will be quantifiable. The department shall expeditiously review the plan and, if approved, provide such information as it deems relevant to the ~~[commission]~~ **department of energy**. The application submitted to the ~~[commission]~~ **department of energy** under RSA 362-F:11 shall inform the ~~[commission]~~ **department of energy** of the plan and the ~~[commission]~~ **department of energy** shall certify the source in accordance with the plan approved by the department; and

(2) Either have an average particulate emission rate, as measured and verified under RSA 362-F:12, of less than or equal to 0.02 lbs/Mmbtu or be a participant in a plan approved by the department for reductions in particulate matter emissions from emission sources owned by or affiliated with the co-firing entity. The quantity of reductions required shall be the fraction of electrical production derived from the combustion of biomass fuels, as determined under this paragraph, multiplied by the difference between the generation unit's particulate matter emissions

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1 rate and the 0.02 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or  
2 individually, in particulate matter emissions from other emission sources under the jurisdiction of  
3 the department and demonstrate that the reductions will be quantifiable. The department shall  
4 expeditiously review the plan and, if approved, provide such information as it deems relevant to the  
5 ~~[commission]~~ **department of energy**. The application submitted to the ~~[commission]~~ **department**  
6 **of energy** under RSA 362-F:11 shall inform the ~~[commission]~~ **department of energy** of the plan and  
7 the ~~[commission]~~ **department of energy** shall certify the source in accordance with the plan  
8 approved by the department.

9 237 Electric Renewable Energy Classes; Reference Change. Amend RSA 362-F:4, IV-VI to read  
10 as follows:

11 IV.(a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from  
12 hydroelectric energy, provided the facility:

13 (1) Began operation prior to January 1, 2006;

14 (2) When required, has documented applicable state water quality certification  
15 pursuant to section 401 of the Clean Water Act for hydroelectric projects; and

16 (3) Either:

17 (A) Has a total nameplate capacity of 5 MWs or less as measured by the sum of  
18 the nameplate capacities of all the generators at the facility and has actually installed both  
19 upstream and downstream diadromous fish passages and such installations have been approved by  
20 the Federal Energy Regulatory Commission, or;

21 (B) Has a total nameplate capacity of one MW or less as measured by the sum of  
22 the nameplate capacities of all generators at the facility, is in compliance with applicable Federal  
23 Energy Regulatory Commission fish passage restoration requirements, and is interconnected with  
24 an electric distribution system located in New Hampshire.

25 (b)(1) Notwithstanding subparagraph (a), the ~~[commission]~~ **department of energy** shall  
26 re-certify as class IV renewable energy sources the facilities named in **public utilities** commission  
27 order numbers 24,940 and 24,952. These facilities are:

28 (A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities ~~[owned~~  
29 ~~by Public Service Company of New Hampshire]~~, which had been previously certified by the **public**  
30 **utilities** commission on September 23, 2008; and

31 (B) The North Gorham and Bar Mills projects owned by FPL Energy Maine  
32 Hydro, LLC which had been previously certified by the **public utilities** commission on October 30,  
33 2008.

34 (2) These facilities shall not qualify or be certified as class IV renewable energy  
35 sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such  
36 facilities shall be eligible for class IV renewable energy certificates for all electricity generated  
37 between the effective date of each facility's original certification by the **public utilities** commission

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1 through March 23, 2009. Such certificates shall have the same validity as any other class IV  
2 certificate issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.

3 V. For good cause, and after notice and hearing, the commission may accelerate or delay by  
4 up to one year, any given year's incremental increase in class I or II renewable portfolio standards  
5 requirement under RSA 362-F:3.

6 VI. After notice and hearing, the ~~[commission]~~ **department of energy** may modify the class  
7 III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years  
8 beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent  
9 and 95 percent of the reasonably expected potential annual output of available eligible sources after  
10 taking into account demand from similar programs in other states.

11 238 Renewable Energy Certificates. Amend RSA 362-F:6, V to read as follows:

12 V. A qualified producer of useful thermal energy shall provide for the metering of useful  
13 thermal energy produced in order to calculate the quantity of megawatt-hours for which renewable  
14 energy certificates are qualified, and to report to the ~~[public utilities commission]~~ **department of**  
15 **energy** under rules adopted pursuant to RSA 362-F:13. Monitoring, reporting, and calculating the  
16 useful thermal energy produced in each quarter shall be expressed in megawatt-hours, where each  
17 3,412,000 BTUs of useful thermal energy is equivalent to one megawatt-hour.

18 239 Electric Renewable Portfolio Standard; Information Collection; Reference Change. Amend  
19 RSA 362-F:8 to read as follows:

20 362-F:8 Information Collection.

21 I. By July 1 of each year, each provider of electricity shall submit a report to the  
22 ~~[commission]~~ **department of energy**, in a form approved by the ~~[commission]~~ **department of**  
23 **energy**, documenting its compliance with the requirements of this chapter for the prior year. The  
24 ~~[commission]~~ **department of energy** may investigate compliance and collect any information  
25 necessary to verify and audit the information provided to the ~~[commission]~~ **department of energy**  
26 by providers of electricity.

27 II. The ~~[commission]~~ **department of energy** shall adopt rules governing the reporting  
28 requirements under paragraph I that are designed to minimize the administrative costs and burden  
29 on electricity providers.

30 III. Beginning October 1, 2019 and by October 1 of each subsequent year, the ~~[commission]~~  
31 **department of energy** shall disclose the information collected under paragraph I as public  
32 information in the ~~[commission's]~~ **department of energy** annual report pursuant to RSA 362-F:10,

33 IV. No information shall be disclosed to the public that is confidential as defined by ~~[public utilities~~  
34 ~~commission]~~ **department of energy** or NEPOOL Generation Information System rules.

35 IV. The ~~[commission]~~ **department of energy** shall provide as part of the annual renewable  
36 energy fund report, pursuant to RSA 362-F:10, IV, renewable portfolio standard compliance costs  
37 and average electric rate impact; renewable energy certificate versus alternative compliance

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1 payments comparison; and alternative compliance payments by class and provider of electricity. The  
2 report shall also include the number of renewable energy certificates that were purchased during the  
3 prior compliance year by class.

4 V. The ~~[commission]~~ **department of energy** shall complete the rulemaking process and  
5 submit requests to the administrator of the NEPOOL Generation Information System that are  
6 necessary to implement this section no later than April 1, 2019.

7 240 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10 to  
8 read as follows:

9 362-F:10 Renewable Energy Fund.

10 I. There is hereby established a renewable energy fund. This **nonlapsing** special fund shall  
11 be ~~[nonlapsing]~~ **continually appropriated to the department of energy to be expended in**  
12 **accordance with this section; provided that at the start of the period in which there is no**  
13 **adopted state operating budget, the department of energy shall in a timely manner seek the**  
14 **approval of the fiscal committee of the general court to continue using moneys from the**  
15 **renewable energy fund to support renewable energy rebate and grant programs in order to**  
16 **ensure there are no interruptions to the programs.** The state treasurer shall invest the moneys  
17 deposited therein as provided by law. Income received on investments made by the state treasurer  
18 shall also be credited to the fund. All payments to be made under this section shall be deposited in  
19 the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding  
20 class II moneys, shall be used by the ~~[commission]~~ **department of energy** to support thermal and  
21 electrical renewable energy initiatives. Class II moneys shall primarily be used to support solar  
22 energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject  
23 to audit by the ~~[commission]~~ **department of energy** as deemed necessary. All fund moneys  
24 including those from class II may be used to administer this chapter, but all new employee positions  
25 shall be approved by the fiscal committee of the general court. No new employees shall be hired by  
26 the ~~[commission]~~ **department of energy** due to the inclusion of useful thermal energy in class I  
27 production.

28 II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the  
29 extent sufficient certificates are not otherwise available at a price below the amounts specified in  
30 this paragraph, an electricity provider may, at the time of report submission for that year under RSA  
31 362-F:8, make payment to the ~~[commission]~~ **department of energy** at the following rates for each  
32 megawatt-hour not met for a given class obligation through the acquisition of certificates:

33 (a) Class I-\$55, except for that portion of the class electric renewable portfolio standards  
34 to be met by qualifying renewable energy technologies producing useful thermal energy under RSA  
35 362-F:3 which shall be \$25 beginning January 1, 2013.

36 (b) Class II-\$55.

37 (c) Class III-\$31.50.



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1 (d) Class IV-\$26.50.

2 III.(a) Beginning in 2013, the ~~[commission]~~ **department of energy** shall adjust these rates  
3 by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor  
4 Statistics of the United States Department of Labor for classes III and IV and 1/2 of such Index for  
5 classes I and II.

6 (b) In lieu of the adjustments under subparagraph (a) for class III in 2015 and 2016, the  
7 class rate in each of those years shall be \$45. In lieu of the adjustments under subparagraph (a) for  
8 class III in 2017, 2018, and 2019, the class rate in each of those years shall be \$55.

9 (c) By January 31, 2020 the ~~[commission]~~ **department of energy** shall compute the  
10 2020 class III rate to equal the rate that would have resulted in 2020 by the application of  
11 subparagraph (a) to the 2013 rate and each subsequent year's rate to 2020.

12 (d) In 2021 and thereafter, the class III rate shall be determined by application of  
13 subparagraph (a) to the prior year's rate.

14 IV. The ~~[commission]~~ **department of energy** shall make an annual report by October 1 of  
15 each year, beginning in 2009, to the legislative oversight committee to monitor the transformation of  
16 delivery of electric services established under RSA 374-F:5, the house science, technology and energy  
17 committee, and the senate energy and natural resources committee detailing how the renewable  
18 energy fund is being used and any recommended changes to such use. The report shall also include  
19 information on the total peak generating capacity that is net energy metered under RSA 362-A:9  
20 within the franchise area of each electric distribution utility, and the percentage this represents of  
21 the amount that is allowed to be net metered within each franchise area. Information shall be  
22 provided on net metered group host registrations and the associated customer groups, including  
23 number and location of group host facilities, generation by renewable source and size of facility, and  
24 group load served by such facilities.

25 V. The ~~[public-utilities-commission]~~ **department of energy** shall make and administer a  
26 one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum  
27 payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential  
28 owner of a small renewable generation facility, that would qualify as a Class I or Class II source of  
29 electricity, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

30 VI. Such payments shall be allocated from the renewable energy fund established in  
31 paragraph I, as determined by the ~~[commission]~~ **department of energy** to the extent funding is  
32 available up to a maximum aggregate payment of 40 percent of the fund over each 2-year period  
33 commencing July 1, 2010.

34 VII. The ~~[commission]~~ **department of energy** shall, after notice and hearing, by order or  
35 rule establish an application process for the incentive payment program established under  
36 paragraph V. The application process shall include verification of costs for parts and labor,  
37 certification that the equipment used meets the applicable safety standards of the American

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1 National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating  
2 agency, and that the facility meets local zoning regulations, and receives any required inspections.

3 VIII. The ~~[commission]~~ **department of energy** may, after notice and hearing, by order or  
4 rule, establish additional incentive or rebate programs and competitive grant opportunities for  
5 renewable thermal and electric energy projects sited in New Hampshire.

6 IX. For good cause the ~~[commission]~~ **department of energy** may, after notice and hearing,  
7 by order or rule, modify the program, including reducing the incentive level, created under RSA 362-  
8 F:10, V.

9 X. Consistent with RSA 362-F:10, VI, the ~~[commission]~~ **department of energy** shall, over  
10 each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended,  
11 allocated, or obligated from the fund, net of administrative expenditures, between residential and  
12 nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects in the  
13 residential sector shall be in approximate proportion to the amount of electricity sold at retail to that  
14 sector in New Hampshire, and the remaining funds from the renewable energy fund shall be  
15 awarded to projects in the nonresidential sector which include commercial and industrial sited  
16 renewable energy projects, existing generators, and developers of new commercial-scale renewable  
17 generation in New Hampshire, provided no less than 15 percent of the funds shall annually benefit  
18 low-moderate income residential customers, including, but not limited to, the financing or leveraging  
19 of financing for low-moderate income community solar projects in manufactured housing  
20 communities or in multi-family rental housing.

21 XI. The ~~[commission]~~ **department of energy** shall issue requests for proposals that provide  
22 renewable projects in the nonresidential sector, which include commercial and industrial sited  
23 renewable energy projects, existing generators, and developers of new commercial-scale renewable  
24 generation in New Hampshire, with opportunities to receive funds from the renewable energy fund  
25 established under RSA 362-F:10. The requests for proposals shall provide such opportunities to  
26 those renewable energy projects that are not eligible to participate in incentive and rebate programs  
27 developed by the ~~[commission]~~ **department of energy** under RSA 362-F:10, V and RSA 362-F:10,  
28 VIII. The ~~[commission]~~ **department of energy** shall issue a request for proposals no later than  
29 March 1, 2011 and annually thereafter, and select winning projects in a timely manner.

30 241 References Change; Electric Renewable Portfolio Standards; Department of Energy. Amend  
31 the following RSA provisions by replacing "commission" with "department of energy": 362-F:5, 362-  
32 F:6, I-IV, 362-F:9, 362-F:11, 362-F:12, 362-F:13, 362-F:14.

33 242 Expenses of the Public Utilities Commission Against Certain Utilities. Amend RSA 363-A:1  
34 to read as follows:

35 363-A:1 Ascertainment of Expenses. The ~~[public utilities commission]~~ **department of energy**  
36 shall annually, after the close of the fiscal year, ascertain the total of its expenses *attributable to*  
37 *support of the public utilities commission and to performance of all duties and*

1 *responsibilities transferred to the department from the public utilities commission, in*  
2 *addition to the total of the public utilities commission's expenses* during such year incurred in  
3 the performance of its duties relating to public utilities as defined in RSA 362 and other entities  
4 subject to its regulatory and enforcement authority and relating to the office of the consumer  
5 advocate. In the determination of such expenses there shall be excluded the expenses which have  
6 been or may be charged and recovered under the provisions of RSA 365:37, RSA 365:38, and RSA  
7 374-F:7, I.

8 243 Expenses of Public Utilities Commission Against Certain Utilities; Assessment. Amend  
9 RSA 363-A:2, III-IV to read as follows:

10 III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an  
11 annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of energy**. Each  
12 electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of  
13 \$2,000 on an annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of**  
14 **energy**. Each telecommunications carrier voluntarily registered with the commission shall be  
15 assessed the sum of \$1,000 on an annual basis and shall pay such sum to the ~~[commission]~~  
16 **department of energy**.

17 IV. The expenses of the ~~[commission]~~ **department of energy and the public utilities**  
18 **commission, and the office of the consumer advocate**, less the total of the assessed sums paid  
19 ~~[to the commission]~~ pursuant to paragraph III, shall be allocated to each utility and other assessed  
20 entity in direct proportion as the revenue calculation for such utility or other assessed entity relates  
21 to the total of all such revenue calculations as a whole, except as otherwise provided in paragraph V.  
22 Each such expense allocation shall be assessed against each public utility and other assessed entity  
23 in an amount equal to its proportionate share as determined under this section, except that the  
24 expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and  
25 included in the expense allocation to each electric or natural gas distribution utility or rural electric  
26 cooperative for which a certificate of deregulation is on file with the commission, in correspondence  
27 to the revenue portion reported pursuant to paragraph II as having been received from the  
28 distribution customers of such distribution utility or the members of such rural electric cooperative  
29 for which a certificate of deregulation is on file with the commission.

30 244 Expenses of Public Utilities Commission Against Certain Utilities; Certification of  
31 Assessment; Collection. Amend RSA 363-A:3 and RSA 363-A:4 to read as follows:

32 363-A:3 Certification of Assessment. It shall be the duty of the ~~[public utilities commission]~~  
33 **department of energy** to calculate the amount to be assessed against each such public utility and  
34 each other entity subject to assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the  
35 beginning of each fiscal year, the ~~[public utilities commission]~~ **department of energy** shall estimate  
36 ~~[its]~~ **the** total expenses for the fiscal year, and then, based on such estimate, shall calculate the  
37 amount to be assessed quarterly on August 10, October 15, January 15, and April 15 of that fiscal

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1 year, against each such public utility and other assessed entity in accordance with RSA 363-A:1 and  
2 RSA 363-A:2. The ~~[public utilities commission]~~ **department of energy** shall then make a list  
3 showing the amount due on August 10, October 15, January 15, and April 15 of that fiscal year from  
4 each of the several public utilities and other entities assessed under the provisions hereof, and,  
5 together with a statement of the full name and mailing address of each such public utility and other  
6 assessed entity, shall certify the same. After the close of each fiscal year, the ~~[public utilities~~  
7 ~~commission]~~ **department of energy** shall ascertain ~~[its]~~ **the** actual total expenses in accordance  
8 with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the assessment for the first quarterly  
9 payment of the new fiscal year for each such public utility or other assessed entity for any  
10 underpayment or overpayment by each such public utility or other assessed entity for the prior fiscal  
11 year.

12 363-A:4 Collection. Upon the completion of each such list, on or before August 10, October 10,  
13 January 10, and April 10 of each fiscal year, the ~~[public utilities commission]~~ **department of energy**  
14 shall bill each public utility and each other entity subject to assessment for the quarterly amount  
15 assessed against it within 10 working days. Such bill shall be sent registered mail, and shall  
16 constitute notice of assessment and demand for payment. Payment shall be made to the ~~[public~~  
17 ~~utilities commission]~~ **department of energy** within 30 days after the receipt of the bill. After the  
18 expiration of 30 days from the receipt of an original bill, the ~~[public utilities commission]~~  
19 **department of energy** may add to the assessment a late penalty fee and may commence an action  
20 at law for the recovery of the assessment. Within 30 days of the assessment for the first quarterly  
21 payment, each public utility or other assessed entity which has any objection to the amount assessed  
22 against it for the prior fiscal year shall file with the ~~[commission]~~ **department** its objection in  
23 writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive,  
24 erroneous, unlawful, or invalid. If such objections are filed, the ~~[commission]~~ **department**, after  
25 reasonable notice to the objecting public utility or other assessed entity, shall hold a hearing on such  
26 objections, and if the ~~[commission]~~ **department** finds that said assessment or any part thereof is  
27 excessive, erroneous, unlawful, or invalid, the ~~[commission]~~ **department** shall reassess the amount  
28 to be paid by such public utility or other assessed entity, and shall order that an amended bill be  
29 sent to such public utility or other assessed entity in accordance with such reassessment. The  
30 ~~[public utilities commission]~~ **department of energy** shall not commence an action at law for  
31 recovery of any assessment for the first quarterly payment until any such objection has been  
32 resolved.

33 245 Public Utility Recovery of Assessment Costs. Amend RSA 363-A:6, I to read as follows:

34 I. Assessment amounts determined with reference to the revenues of competitive electric  
35 power suppliers and all assessments against regulated electric distribution utilities and electric  
36 cooperatives for which a certificate of deregulation is on file with the ~~[commission]~~ **department**  
37 shall be collected from electric customers through the distribution rates of the respective electric

1 distribution utility or rural electric cooperative for which a certificate of deregulation is on file with  
2 the ~~[commission]~~ **department**; provided that an amount equal to the amount assessed directly to a  
3 competitive electric power supplier under RSA 363-A:2, III shall be collected from the energy service  
4 or default service customers of each electric distribution utility or rural electric cooperative for which  
5 a certificate of deregulation is on file with the ~~[commission]~~ **department**.

6 246 Complaints to and Proceedings Before the Department of Energy and the Commission.  
7 Amend the chapter title of RSA 365 to read as follows: Amend the chapter title of RSA 365 to read as  
8 follows:

9 COMPLAINTS TO~~[ ]~~ **THE DEPARTMENT OF ENERGY**  
10 AND PROCEEDINGS BEFORE~~[ ]~~ THE COMMISSION

11 247 Complaint Against Public Utilities. Amend RSA 365:1 to read as follows:

12 365:1 Complaint Against Public Utilities. Any person may make complaint to the ~~[commission]~~  
13 **department of energy** by petition setting forth in writing any thing or act claimed to have been  
14 done or to have been omitted by any public utility in violation of any provision of law, or of the terms  
15 and conditions of its franchises or charter, or of any order of the commission.

16 248 Complaints to the Department of Energy and Proceedings Before the Commission. Amend  
17 RSA 365:2 through RSA 365:7 to read as follows:

18 365:2 Order. Thereupon the ~~[commission]~~ **department of energy** shall cause a copy of said  
19 complaint to be forwarded to the public utility complained of, which may be accompanied by an  
20 order, requiring that the matters complained of be satisfied, or that the charges be answered in  
21 writing within a time to be specified by the ~~[commission]~~ **department**.

22 365:3 Reparation. If the public utility complained of shall make reparation for any injury  
23 alleged and shall cease to commit or to permit the violation of law, franchise, or order charged in the  
24 complaint, and shall notify the ~~[commission]~~ **department of energy** of that fact before the time  
25 allowed for answer, the ~~[commission]~~ **department** shall not be required to take any further action  
26 upon the charges.

27 365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall  
28 appear to the ~~[commission]~~ **department of energy** that there are reasonable grounds therefor, it  
29 shall investigate the same in such manner and by such means as it shall deem proper~~[, and, after~~  
30 ~~notice and hearing, take such action within its powers as the facts justify]~~. **After investigation, the**  
31 **department of energy may bring proceedings on its own motion before the public utilities**  
32 **commission, with respect to any complaint or violation of any provision of law, rule, terms**  
33 **and conditions of its franchises or charter, or any order of the commission.**

34 365:5 Independent Inquiry. The commission, on its own motion or upon petition of a public  
35 utility, **and the department of energy** may investigate or make inquiry in a manner to be  
36 determined by it as to any rate charged or proposed or as to any act or thing having been done, or  
37 having been omitted or proposed by any public utility; and ~~[the commission or]~~ shall make such

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inquiry in regard to any rate charged or proposed or to any act or thing having been done or having been omitted or proposed by any such utility in violation of any provision of law or order of the commission ***or the department.***

365:6 Inspection. [The] ***Both the commission and the department of energy*** may at any time personally, or by its experts or agents, inspect the property, works, system, plant, devices, appliances and methods used by any public utility, or its books, papers and records.

365:7 Authority to Inspect. Any expert or agent of the ***department of energy or the commission***, who shall make a demand on behalf of the commission ***or the department*** to be allowed to inspect as provided in RSA 365:6, shall produce written authority to make such inspection signed by the ~~[secretary or assistant secretary or some member]~~ ***chairperson*** of the commission ***or the commissioner of the department of energy.***

249 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, I(j) to read as follows:

(j) Standards and procedures for determination and recovery of rate ~~[ease]~~ ***proceedings*** expenses.

250 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, II to read as follows:

II. Where the commission has adopted rules in conformity with this section, ~~[complaints to and]~~ proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

251 Repeal. The following are repealed:

I. RSA 365:8-a, relative to suppliers of natural gas and aggregators of natural gas customers.

II. RSA 374-F:4, III, relative to certain compliance filings filed with the public utilities commission.

252 Complaints to Department of Energy and Public Utilities Commission; Expense of Investigations; Rate Proceeding. Amend RSA 365:37 and 365:38 to read as follows:

365:37 Expense of Investigations.

I. Whenever any investigation ***by the commission or the department of energy*** shall be necessary to enable the commission to pass upon any petition for authority to issue stocks, bonds, notes, or other evidence of indebtedness, for authority to operate as a public utility or to expand operations as a public utility, to make extensions into new territory, to discontinue service, to condemn property for flowage rights and dam construction, or for authority to sell, consolidate, merge, transfer, or lease the plant, works, or system of any public utility, or any part of the same, or for any other matter which requires the ~~[commission's]~~ approval ***of the commission or the department of energy***, the petitioner shall pay to the ~~[commission]~~ ***department of energy*** the expense involved in the investigation of the matters covered by said petition, including the amounts expended for experts, accountants, or other assistants. Such expense shall not include any part of the salaries or expenses of the commissioners or of employees of the commission or ***department of***

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1 **energy or**, unless the proceeding is being conducted pursuant to RSA 38, the fees of experts  
2 testifying as to values in condemnation proceedings.

3 II. Whenever the commission institutes a proceeding, or when more than one utility subject  
4 to the jurisdiction of the commission shall be involved in a proceeding in which the commission **or**  
5 **the department of energy** requires the assistance of experts, accountants or other assistants,  
6 regardless of whether they petitioned the commission in the first instance, the commission **and the**  
7 **department of energy** may assess the costs of experts, accountants or other assistants hired by the  
8 commission **or the department of energy** against the utilities and any other parties to the  
9 proceeding. The commission **and the department of energy** shall not, however, assess any such  
10 costs against the office of the consumer advocate or against any voluntary corporation, not-for-profit  
11 organization, or any municipality unless the municipality is involved in a proceeding before the  
12 commission pursuant to RSA 38. In the case of a utility, the assessment of those costs shall be based  
13 on the annual revenues of the participating utilities in the same manner as issued in assessing the  
14 annual operating expenses of the commission **and the department of energy**, or as appropriate  
15 and equitable on a case by case basis. In the case of a party who is not a utility, the assessment of  
16 those costs shall be as appropriate and equitable on a case by case basis. Such expenses shall not  
17 include any part of the salaries or expenses of the commissioners or of employees of the commission  
18 **or of employees of the department of energy** or, unless the proceeding is being conducted  
19 pursuant to RSA 38, the fees of experts testifying as to values in condemnation proceedings.

20 III. For investigations or proceedings involving the acquisition, merger, transfer, sale, or  
21 lease of the works or system of a public utility, the commission **and the department of energy**  
22 shall not enter into a contract with experts, accountants, or other assistants in an amount greater  
23 than [~~\$250,000~~] **\$10,000**, including any contract extension, without the approval of the governor and  
24 council. For all other investigations or proceedings, the commission **and the department of energy**  
25 shall not enter into a contract with experts, accountants, or other assistants in an amount greater  
26 than [~~\$100,000~~] **\$10,000**, including any contract extension, without the approval of governor and  
27 council.

28 365:38 Rate Proceeding. Whenever any investigation **or proceeding** shall be necessary to  
29 enable the commission to pass upon the reasonableness of the rates or charges by a public utility, the  
30 utility[~~upon order of the commission,~~] shall pay to the [~~commission its~~] **department of energy the**  
31 expenses involved in the investigation, including the amounts expended by [~~it~~] **the commission and**  
32 **the department of energy** for attorneys, experts, accountants, or other assistants, but not  
33 including any part of the salaries or expenses of the commissioners or of employees of the  
34 commission **or department of energy**; provided, that the amount charged to the utility [~~by the~~  
35 ~~commission~~] in any such case shall not exceed 3/4 of one percent of the existing valuation of the  
36 utility investigated, such expenses with 6 percent interest to be charged by the utility to operating

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1 expenses and amortized over such period as the commission shall deem proper and allowed for in the  
2 rates to be charged by the utility.

3 253 Complaints to Department of Energy and Public Utilities Commission; Penalty Against  
4 Utility. Amend RSA 365:41 to read as follows:

5 365:41 Penalty Against Utility. Any public utility which shall violate any provisions of this title,  
6 or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the  
7 commission **or the department of energy**, shall be subject to a civil penalty, as determined by the  
8 commission, not to exceed \$250,000 or 2.5 percent of the annual gross revenue that the utility  
9 received from sales in the state, whichever is lower. Such penalties shall be applied to the benefit of  
10 the utility's ratepayers through a credit to bills, or, if the credit is of an amount determined by the  
11 commission to be insignificant on a per customer basis, to programs that benefit low income  
12 ratepayers. No portion of any fine, nor any costs associated with an administrative or court  
13 proceeding which results in a fine pursuant to this section, shall be considered by the commission in  
14 fixing any temporary, permanent, or emergency rates or charges of such utility.

15 254 Affiliates of Public Utilities; Department of Energy. Amend RSA 366:2 through 366:9 to  
16 read as follows:

17 366:2 Sale of Securities to or by Employees. No public utility shall, without the approval of the  
18 [~~commission~~] **department of energy**, permit any employee to sell, offer for sale, or solicit the  
19 purchase of any security issued by an affiliate during such hours as such employee is engaged to  
20 perform any duty of such public utility; nor shall any public utility by any means or device  
21 whatsoever require any employee to purchase or contract to purchase any of its securities or those of  
22 any other person or corporation; nor shall any public utility require any employee to permit the  
23 deduction from his wages or salary of any sum as a payment or to be applied as a payment on any  
24 purchase or contract to purchase any security of such public utility or of any other person.

25 366:3 Filing of Contracts. The original or a verified copy of any contract or arrangement and of  
26 any modification thereof or a verified summary of any unwritten contract or arrangement, the  
27 consideration of which exceeds \$500, hereafter entered into between a public utility and an affiliate  
28 providing for the furnishing of managerial, supervisory, construction, engineering, accounting,  
29 purchasing, financial, or any other services either to or by a public utility or an affiliate shall be filed  
30 by the public utility with the [~~commission~~] **department of energy** within 10 days after the date on  
31 which the contract is executed or the arrangement entered into. The [~~commission~~] **department** may  
32 also require a public utility to file in such form as the [~~commission~~] **department** may require full  
33 information with respect to any purchase from or sale to an affiliate, whether or not made in  
34 pursuance of a continuing contract or arrangement.

35 366:4 Failure to File. Any contract or arrangement not filed with the [~~commission~~] **department**  
36 **of energy** pursuant to RSA 366:3 shall be unenforceable in any court in this state and payments  
37 thereunder may be disallowed by the [~~commission~~] **department** unless the later filing thereof is



1 approved in writing by the ~~[commission]~~ **department**. *The commission shall disallow payment*  
2 *if recommended by the department.*

3 366:5 Investigation and Proof. The ~~[commission]~~ **department of energy** shall have full power  
4 and authority to investigate any such contract, arrangement, purchase, or sale and~~[-if]~~ **initiate a**  
5 **proceeding related thereto before the commission**. *If* the commission after notice and hearing  
6 shall find any such contract, arrangement, purchase, or sale to be unjust or unreasonable, the  
7 commission may make such reasonable order relating thereto as the public good requires. In any  
8 such investigation, the burden shall be on the public utility and affiliate to prove the reasonableness  
9 of any such contract, arrangement, purchase, or sale with, from, or to an affiliate. If the public  
10 utility shall fail to satisfy the commission of the reasonableness of any such contract, arrangement,  
11 purchase, or sale, the commission may disapprove the same and disallow payments thereunder or  
12 such part of any such payment as the commission shall find to be unjust or unreasonable. No  
13 payment disallowed by the commission shall be capitalized or included as an operating cost of the  
14 public utility in the fixing of rates or as an asset in fixing a rate base. If in any such investigation  
15 the public utility or affiliate shall unreasonably refuse to comply with any request of the commission  
16 **or the department** for information with respect to relevant accounts and records, whether of such  
17 public utility or any affiliate, any portion of which may be applicable to any transaction under  
18 investigation, so that such parts thereof as the commission **or the department** may deem material  
19 may be made part of the record, such refusal shall justify the commission in disapproving the  
20 transaction under investigation and disallowing payments in pursuance thereof.

21 366:6 Summary Order in Certain Cases. If as a result of an investigation **or proceeding** in  
22 accordance with RSA 366:5 the commission shall find that any public utility is making any payment  
23 or about to make any payment or doing or about to do any other thing which substantially threatens  
24 or impairs the ability of the public utility to render adequate service at reasonable rates or otherwise  
25 to discharge its duty to the public, the commission may apply to the superior court for an order  
26 directing the public utility to cease making any such payment or doing such other thing; and,  
27 thereupon, the court shall make such order as the public good may require.

28 366:7 Disallowance of Charges Under Existing Contracts. In any proceeding whether upon the  
29 **department's initiation or** commission's own motion or upon complaint involving the rates or  
30 practices of any public utility, the commission may disallow the inclusion in the accounts of a public  
31 utility of any payments or compensation to an affiliate for any services rendered, or property  
32 furnished, under existing contracts or arrangements with an affiliate unless such public utility shall  
33 establish the reasonableness of such payment or compensation.

34 366:8 Annual Reports. Every public utility annually reporting to the commission **or**  
35 **department of energy** under RSA 374 shall also annually report the name and address of, and the  
36 number of shares held by, its officers and directors and each holder of one percent or more of the  
37 voting capital stock of the reporting public utility according to its records.

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1       366:9 Information Concerning Control. The commission *or department of energy* may also  
2 require such other information as to the direct or indirect control of a public utility or affiliate from a  
3 public utility, affiliate, or other person as may be reasonably required for the effective enforcement of  
4 this chapter.

5       255 References Change; Service Equipment of Public Utilities; Department of Energy. Amend  
6 the following RSA provisions by replacing "commission" with "department of energy": 370:2, 370:8,  
7 370:9.

8       256 Service Equipment of Public Utilities; Units of Service. Amend RSA 370:1 to read as  
9 follows:

10       370:1 Units of Service. The ~~[public utilities commission]~~ *department of energy* may ascertain,  
11 determine and fix, for each kind of public utility, suitable and convenient standard commercial units  
12 of service, product or commodity, which units shall be lawful units for the purposes of this chapter.

13       257 Service Equipment of Public Utilities; Department of Energy. Amend RSA 370:3 through  
14 370:7 to read as follows:

15       370:3 Meters. The ~~[commission]~~ *department of energy* may ascertain, determine and fix  
16 reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and  
17 appliances for measurement, and every public utility is required to carry into effect all orders issued  
18 by the ~~[commission]~~ *department* relative thereto.

19       370:4 Service Inspections. The ~~[commission]~~ *department of energy* may provide for the  
20 inspection of the manner in which every public utility conforms to the reasonable regulations  
21 prescribed by the ~~[commission]~~ *department* for examination and testing of its service, product or  
22 commodity, and for the measurement thereof, and may supplement such inspections by  
23 examinations and testing.

24       370:5 Inspection of Meters. The ~~[commission]~~ *department of energy* may provide for the  
25 inspection of the manner in which every public utility has carried into effect the reasonable rules,  
26 regulations, specifications and standards fixed by ~~[orders of the commission]~~ *rules adopted by the*  
27 *department* relative thereto, and may examine and test any meters and appliances for  
28 measurements under such reasonable rules and regulations as it may prescribe.

29       370:6 Testing Appliances. The ~~[commission]~~ *department* may provide for the examination and  
30 testing of any appliances used for the measuring of any service, product or commodity of a public  
31 utility.

32       370:7 At Consumer's Request. Any consumer or user may have any such appliance tested by the  
33 ~~[commission]~~ *department of energy*. The ~~[commission]~~ *department* may declare and establish  
34 reasonable fees to be paid for examining and testing such appliances on the request of consumers or  
35 users, the fee to be paid by the consumer or user at the time of his request; but, if the measuring  
36 appliance be found unreasonably defective or incorrect to the disadvantage of the consumer or user,

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1 the ~~[commission]~~ **department** shall repay such fee to the consumer or user and collect the same  
2 from the public utility.

3 258 Rights in Public Waters and Lands; License by Notification of New Attachments on Existing  
4 Utility Poles. Amend RSA 371:17-a to read as follows:

5 371:17-a License by Notification of New Attachments on Existing Utility Poles. Whenever it is  
6 necessary, in order to meet the reasonable requirements of service to the public, that any public  
7 utility other than electric or gas should construct a cable, conduit, or wires and fixtures upon an  
8 existing line of poles or towers over, under, or across any of the public waters of this state, or over,  
9 under, or across any of the land owned by this state, the public utility shall file written notification  
10 with the ~~[commission]~~ **department of energy** for a license to construct and maintain such cable,  
11 conduit, or wires and fixtures. In this section, "public waters" means all ponds of more than 10  
12 acres, tidewater bodies, and such streams or portions thereof as the commission may prescribe.  
13 Every corporation and individual desiring to cross any public waters or land for the purposes of this  
14 section shall file written notification in the same manner prescribed for a public utility. The  
15 notification shall include a description of the specific geographic and pole locations of the crossing  
16 and verification that there is a valid pole attachment license or that an application for a pole  
17 attachment license has been submitted to the utility or utilities that own such poles or towers. The  
18 notification shall include an affidavit signed by the responsible officer confirming that the crossing  
19 shall be completed in compliance with such pole attachment license and the National Electrical  
20 Safety Code. Upon receipt of such notification, no further inquiries or investigations by the  
21 ~~[commission]~~ **department of energy** shall be required in granting the requested license.

22 259 Rights in Public Waters and Lands; Hearing; Order. Amend RSA 371:20 to read as follows:

23 371:20 Hearing; Order. *Whenever a hearing shall be necessary*, the commission shall hear  
24 all parties interested; and, in case it shall find that the license petitioned for, subject to such  
25 modifications and conditions, if any, and for such period as the commission may determine, may be  
26 exercised without substantially affecting the public rights in said waters or lands, it shall render  
27 judgment granting such license. Provided, however, that such license may be granted *by the*  
28 **department of energy** without hearing when all interested parties are in agreement and in cases  
29 involving filings made under RSA 371:17-a and RSA 371:17-b. ~~[The executive director of the~~  
30 ~~commission may issue licenses under RSA 371:17-a and RSA 371:17-b.]~~

31 260 References Changed; Proceedings to Acquire Property or Rights; Rights in Public Waters  
32 and Lands; Department of Energy. Amend the following RSA provisions by replacing "commission"  
33 with "department of energy": 371:17, 371:18, 371:19.

34 261 Extent of Power. Amend RSA 374:3 to read as follows:

35 374:3 Extent of Power. The public utilities commission *and department of energy* shall have  
36 the general supervision of all public utilities and the plants owned, operated or controlled by the  
37 same so far as necessary to carry into effect the provisions of this title.

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1        262 Supervisory Power of Department of Energy and Public Utilities Commission. Amend the  
2 subdivision heading following RSA 374:3-b to read as follows:

3                                Supervisory Power of Department of ~~Transportation~~

4                                ***Energy and Public Utilities Commission***

5        263 Duties. Amend RSA 374:4-374:5-a to read as follows:

6        374:4 Duty to Keep Informed. The commission ***and the department of energy*** shall have  
7 power, and it shall be ~~its~~ ***their*** duty, to keep informed as to all public utilities in the state, their  
8 capitalization, franchises and the manner in which the lines and property controlled or operated by  
9 them are managed and operated, not only with respect to the safety, adequacy and accommodation  
10 offered by their service, but also with respect to their compliance with all provisions of law, orders of  
11 the commission and charter requirements.

12        374:5 Additions and Improvements. For the purpose of enabling the commission ***and the***  
13 ***department of energy*** to perform ~~its~~ ***their*** duty to keep informed as provided in RSA 374:4, every  
14 public utility, before making any addition, extension, or capital improvement to its fixed property in  
15 this state, except under emergency conditions, shall report to the commission ***and the department***  
16 ***of energy*** the probable cost of such addition, extension, or capital improvement whenever the  
17 probable cost thereof exceeds a reasonable amount to be prescribed by general or special order of the  
18 commission. For this purpose, the commission may classify public utilities according to the amount  
19 of their respective fixed capital accounts, and prescribe a reasonable limitation for each such  
20 classification. In no case shall the minimum amount prescribed be less than 1/4 of one percent of  
21 such fixed capital account as of December 31 of the preceding year, or \$10,000, whichever is the  
22 smaller amount. Reports shall be filed in writing ~~[with the commission]~~ within such reasonable time  
23 as may be prescribed by the commission before starting actual construction on any addition,  
24 extension, or improvement. The commission shall have discretion to exclude the cost of any such  
25 addition, extension, or capital improvement from the rate base of said utility where such written  
26 report thereof shall not have been filed in advance as herein provided.

27        374:5-a Power to Hire Consultants Firm. The commission ***and the department of energy*** may  
28 utilize and employ a consultant firm to provide it with technical assistance in evaluating cost factors  
29 relating to the effective use of substantial investments of utilities regulated by the commission.

30        264 Investigation of Other Utilities; Orders; Violation. Amend RSA 374:7-374:7-a to read as  
31 follows:

32        374:7 Investigation of Other Utilities; Orders. The commission ***and the department of energy***  
33 shall have power to investigate and ascertain, from time to time, the quality of gas supplied by  
34 public utilities and the methods employed by public utilities in manufacturing, transmitting or  
35 supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph  
36 messages, or supplying water, and, after notice and hearing thereon, shall have power to order all  
37 reasonable and just improvements and extensions in service or methods.

1       374:7-a Violation.

2           I. Any person who knowingly or willfully violates any provision of RSA 370:2 or any  
3 standards or rules adopted under it by the public utilities commission **or the department of**  
4 **energy**, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas  
5 Pipeline Safety Act, shall be subject to a civil penalty not to exceed the maximum civil penalty under  
6 49 U.S.C. section 60122(a), as amended.

7           II. Any person who otherwise violates any provision of RSA 370:2 or any standards or rules  
8 adopted under it by the public utilities commission **or the department of energy**, relative to gas  
9 pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act,  
10 shall be subject to a civil penalty not to exceed the maximum civil penalty under 49 U.S.C. section  
11 60122(a), as amended.

12           III. **The department of energy shall assess and enforce civil penalties related to this**  
13 **section.** Any civil penalty assessed under this section may be ~~[compromised]~~ **appealed to the**  
14 **public utilities commission, and the commission may uphold, reverse, or compromise such**  
15 **civil penalty** ~~[by the public utilities commission]~~. In determining the amount of the penalty, **the**  
16 **outcome of an appeal**, or the amount agreed upon in compromise, the appropriateness of the  
17 penalty to the size of the business of the person charged, the gravity of the violation, the good faith of  
18 the person charged in attempting to achieve compliance, after notification of a violation, the degree  
19 of culpability of the person, the history of prior violations, the effect of the penalty on the person, and  
20 any other identifiable factor related to the circumstances of the person and the nature and  
21 circumstances of the violation, shall be considered. The amount of the penalty, when finally  
22 determined, or the amount agreed upon in compromise, may be deducted from any sums owing by  
23 the state to the person charged or may be recovered in a civil action in the state courts.

24       265 Public Utilities; Reports; Filing. Amend RSA 374:15 to read as follows:

25       374:15 Filing. Every public utility shall file with the commission **and the department of**  
26 **energy** reports at such times, verified by oath in such manner, and setting forth such statistics and  
27 facts, as may be required by the commission **or the department of energy**.

28       266 Public Utilities; Reports. Amend RSA 374:17-374:19 to read as follows:

29       374:17 Neglect to Report. If any public utility shall neglect or refuse to make and file any report  
30 within a time specified by the commission **or the department of energy**, or shall neglect or refuse  
31 to make specific answer to any question lawfully asked by the commission **or the department of**  
32 **energy**, it shall forfeit to the state the sum of \$100 for each day it shall continue to be in default with  
33 respect to such report or answer, unless it shall be excused ~~[by the commission]~~ from making such  
34 report or answer, or unless the time for making the same shall be extended ~~[by the commission]~~.

35       374:18 Production of Books, Etc. The commission, by order, **or the department of energy**, may  
36 require any public utility to produce within the state, at such time and place as it may designate,  
37 any accounts, records, memoranda, books, or papers kept in any office or place without the state, or

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verified copies thereof, in order that an examination thereof may be made by *or under the direction of* the commission or ~~[under its direction]~~ ***the department of energy***.

374:19 False Statements, Etc. No public utility shall willfully make any false statement or false entry in any report to the commission *or the department of energy*, or in any answer to any question lawfully asked by the commission *or the department of energy*.

267 Service Territories; Department of Energy Jurisdiction. Amend RSA 374:22-e to read as follows:

374:22-e Service Territories; ~~[Commission]~~ ***Department of Energy*** Jurisdiction.

I. If 2 or more telephone utilities find that they provide the same service in the same area or that existing maps create overlapping service territories, the ~~[commission]~~ ***department of energy***, upon application by one or both of the affected utilities, shall define, alter, or establish service territories. In establishing or altering service territories, the ~~[commission]~~ ***department of energy*** shall consider the following:

- (a) Existing service areas;
- (b) Any voluntary agreements between or among 2 or more such telephone utilities which define the service territories of those utilities;
- (c) Consistency with the orderly development of the region;
- (d) Natural geographical boundaries;
- (e) Compatibility with the interests of all consumers; and
- (f) All other relevant factors.

II. The ~~[commission]~~ ***department of energy*** shall have power to exercise the jurisdiction conferred in this section only after due notice to all interested parties and hearing. After consideration of the factors established by paragraph I of this section, and after making findings that the service territories established or altered are consistent with the public good, the ~~[commission]~~ ***department of energy*** shall establish the service territory of each telephone utility. The service territory thus established shall be sufficiently definite and precise so that its boundaries may be accurately determined.

268 Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g to read as follows:

374:22-g Service Territories Served by Certain Telephone Utilities.

I. To the extent consistent with federal law and notwithstanding any other provision of law to the contrary, all telephone franchise areas served by a telephone utility that provides local exchange service, subject to the jurisdiction of the ~~[commission]~~ ***department of energy***, shall be nonexclusive. The ~~[commission]~~ ***department of energy***, upon petition or on its own motion, shall have the authority to authorize the providing of telecommunications services, including local exchange services, and any other telecommunications services, by more than one provider, in any

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1 service territory, when the ~~[commission]~~ **department of energy** finds and determines that it is  
2 consistent with the public good unless prohibited by federal law.

3 II. In determining the public good, the commission shall consider the interests of  
4 competition with other factors including, but not limited to, fairness; economic efficiency; universal  
5 service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable  
6 return on its investment; and the recovery from competitive providers of expenses incurred by the  
7 incumbent utility to benefit competitive providers, taking into account the proportionate benefit or  
8 savings, if any, derived by the incumbent as a result of incurring such expenses.

9 III. The **department of energy** shall adopt rules, pursuant to RSA 541-A, relative to the  
10 enforcement of this section.

11 269 Shared Tenant Services Authorized; Limited Regulation; Rulemaking. Amend RSA 374:22-1  
12 and m to read as follows:

13 374:22-1 Shared Tenant Services Authorized; Limited Regulation.

14 I. The ~~[public utilities commission]~~ **department of energy** shall authorize the provision of  
15 shared tenant services by providers meeting the minimum requirements established by the  
16 ~~[commission]~~ **department of energy** to operate shared tenant services networks.

17 II. Providers of shared tenant services shall be subject to the following limited regulation by  
18 the ~~[commission]~~ **department of energy**:

19 (a) Providers of shared tenant services shall disclose to tenants and prospective tenants  
20 all pricing information relative to their services in the manner prescribed by the ~~[commission]~~  
21 **department of energy**.

22 (b) Providers of shared tenant services shall disclose to tenants and prospective tenants  
23 that they can at their option obtain basic exchange and other service from an authorized local  
24 telephone utility rather than from the shared tenant services provider.

25 (c) Without penalty and in accordance with the rules of the ~~[commission]~~ **department of**  
26 **energy**, telephone number retention and access to telecommunications services shall be permitted by  
27 providers of shared tenant services and authorized local telephone utilities into and out of shared  
28 tenant services properties.

29 (d) The ~~[commission]~~ **department of energy** shall have jurisdiction to hear matters  
30 pertaining to the unauthorized provision of shared tenant services, violations of ~~[commission]~~  
31 **department** rules relating to shared tenant services, and customer complaints against shared  
32 tenant services providers.

33 374:22-m Rulemaking. The ~~[public utilities commission]~~ **department of energy** shall adopt  
34 rules, pursuant to RSA 541-A, relative to:

35 I. Minimum requirements for shared tenant services, including disclosure of available  
36 options and terms and prices of shared tenant services.

37 II. Customer access to services of authorized local telephone utilities.

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1           III. Telephone number retention and recovery of costs, if any, associated with number  
2 retention.

3           IV. The charges a local telephone utility establishes for a shared tenant services provider to  
4 purchase services for use by the provider's tenants.

5           V. Procedures for complaints to the ~~[commission]~~ **department** regarding shared tenant  
6 services.

7           270 Regulation of Competitive Telecommunications Providers Limited; Affordable Telephone  
8 Service; Public Interest Payphones. Amend RSA 374:22-o-374:22-p to read as follows:

9           374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or  
10 business entity authorized by the ~~[commission]~~ **department of energy** to engage in business as a  
11 competitive local exchange carrier and any competitive toll provider having less than a 10 percent  
12 share of toll revenue in New Hampshire shall not be required to seek prior ~~[commission]~~  
13 **department** approval of financings or corporate organizational changes, including, without  
14 limitation, mergers, acquisitions, corporate restructurings, issuance or transfer of securities, or the  
15 sale, lease, or other transfer of assets or control. Nothing in this section shall exempt any such  
16 competitive telecommunications service provider from such advance notice as the ~~[commission]~~  
17 **department** may prescribe or from the requirements of RSA 374:28-a or RSA 378:46.

18           374:22-p Affordable Telephone Service; Rulemaking; Standards.

19           I.(a) For the purposes of this section, "Federal Telecommunications Act" means the federal  
20 Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56.

21           (b) For purposes of this section "basic service" means:

- 22                   (1) Safe and reliable single-party, single line voice service;
- 23                   (2) The ability to receive all noncollect calls, at telephone lines capable of receiving  
24 calls, without additional charge;
- 25                   (3) The ability to complete calls to any other telephone line, which is capable of  
26 receiving calls, in the state;
- 27                   (4) The opportunity to presubscribe to interLATA toll carriers;
- 28                   (5) The opportunity to presubscribe to intraLATA toll carriers;
- 29                   (6) Dialing parity;
- 30                   (7) Number portability;
- 31                   (8) Enhanced 911, pursuant to the requirements of the department of safety, bureau  
32 of emergency communications, or its successor agency;
- 33                   (9) Access to statewide directory assistance;
- 34                   (10) Telecommunications relay service (TRS);
- 35                   (11) A published directory listing, at the customer's election;
- 36                   (12) A caller identification blocking option, on a per-call basis;



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1           (13) A caller identification line blocking option that is available to all customers  
2 without a recurring charge and is provided upon customer request without charge to customers who  
3 have elected nonpublished telephone numbers and is available without a nonrecurring charge to  
4 customers who certify that caller identification threatens their health or safety and is available  
5 without a nonrecurring charge when requested with installation of basic service;

6           (14) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 area  
7 code calls;

8           (15) The ability to report service problems to the customer's basic service provider on  
9 a 24-hour basis, 7 days a week; and

10          (16) Automatic Number Identification (ANI) to other carriers which accurately  
11 identifies the telephone number of the calling party.

12           (c) Any combination of basic service along with any other service or feature offered by  
13 the telecommunications service provider is nonbasic service and shall not be regulated by the  
14 commission.

15           (d) Any telecommunications service provider which is not an incumbent local exchange  
16 carrier shall not be required to provide basic service.

17          II. Subject to RSA 362:6, the ~~[commission]~~ **department of energy** shall require every  
18 provider of intrastate telephone service to participate in outreach programs designed to increase the  
19 number of low-income telephone customers on the network through increased participation in any  
20 universal service program approved by the ~~[commission]~~ **department** and statutorily established by  
21 the legislature. Statewide outreach programs shall continue until further order of the ~~[commission]~~  
22 **department**.

23          III. The ~~[commission]~~ **department of energy** shall seek to ensure that affordable basic  
24 telephone services are available to consumers throughout all areas of the state at reasonably  
25 comparable rates.

26          IV.(a) The ~~[commission]~~ **department of energy** shall ~~[develop-draft]~~ **maintain and**  
27 **update** rules to implement this section and shall, after the statutory establishment of a universal  
28 service fund, require every provider of intrastate telephone services to contribute to a state universal  
29 service fund to support programs consistent with the goals of applicable provisions of this title and  
30 the Federal Telecommunications Act.

31           (b) If the ~~[commission]~~ **department of energy**, upon statutory establishment of a  
32 universal service program, establishes a state universal service fund pursuant to this section, the  
33 ~~[commission]~~ **department** shall contract with an appropriate independent fiscal agent that is not a  
34 state entity to serve as administrator of the state universal service fund. Program administration  
35 shall be designed in the most cost-effective manner possible. Funds contributed to a state universal  
36 service fund are not state funds and therefore are not subject to provisions of law relating to the

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1 general fund. Rules and any state universal service fund requirements established by legislative  
2 enactment and by the ~~[commission]~~ **department** pursuant to this section shall:

3 (1) Be reasonably designed to maximize federal assistance available to the state for  
4 universal service purposes.

5 (2) Meet the state's obligations under the Federal Telecommunications Act.

6 (3) Be consistent with the goals of the Federal Telecommunications Act.

7 (4) Ensure that any requirements regarding contributions to a state universal  
8 service fund be nondiscriminatory and competitively neutral.

9 (5) Require explicit identification on customer's bills of contributions to and in the  
10 event of fund termination, refunds from, any state universal service fund established pursuant to the  
11 section.

12 (6) Allow consideration in appropriate rulemaking proceedings of contributions to  
13 and in the event of fund termination, refunds from, any state universal service fund established  
14 pursuant to this section.

15 (c) For purposes of this section, "providers of intrastate telephone services" includes  
16 providers of radio paging service and, subject to the provisions of the Federal Communications Act as  
17 amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

18 (d) Prior to requiring that providers of intrastate telephone service contribute to a state  
19 universal service fund and prior to statutory establishment of a universal service fund, the  
20 ~~[commission]~~ **department of energy** shall report to the general court its determination of the  
21 expected program costs, the amount and type of the funding mechanism, the number of people  
22 proposed to be served, the level of proposed service, and the administrative design of the proposed  
23 fund.

24 V. The ~~[commission]~~ **department of energy**, annually, shall assess the penetration rate of  
25 basic telephone services. If this penetration rate ever falls below the national average penetration  
26 rate, the ~~[commission]~~ **department** shall commence an investigation and take steps to enhance  
27 telephone market penetration. The ~~[commission]~~ **department**, annually, shall assess the success of  
28 any action taken by the ~~[commission]~~ **department** to achieve the purpose of this section. The public  
29 policy goal should be to raise the low income penetration level as close as reasonably possible to the  
30 statewide average.

31 VI, VII. [Repealed.]

32 VIII. Notwithstanding the provisions of RSA 374:1-a:

33 (a) Incumbent local exchange carriers, whether qualified as an excepted local exchange  
34 carrier or otherwise, may not discontinue residential basic service, regardless of technology used, in  
35 any portion of their franchise area unless the ~~[commission]~~ **department of energy** determines that  
36 the public good will not be adversely affected by such withdrawal of service;

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(b) Rates for basic service of incumbent local exchange carriers which qualify as excepted local exchange carriers may not increase by more than 5 percent for Lifeline Telephone Assistance customers and by more than 10 percent for all other basic service customers in each of the 8 years after the effective date of this paragraph or the effective date of an existing alternative plan of regulation, except for additional rate adjustments, with ~~[public utilities commission]~~ **department of energy** review and approval, to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes; and

(c) Incumbent local exchange carriers which qualify as excepted local exchange carriers shall report the rates for basic service to the ~~[commission]~~ **department of energy** within 60 days of the effective date of this paragraph and upon any changes to the rates.

271 Pole Attachments. Amend RSA 374:34-a to read as follows:

374:34-a Pole Attachments.

I. In this subdivision, a "pole" means any pole, duct, conduit, or right-of-way that is used for wire communications or electricity distribution and is owned in whole or in part by a public utility, including a rural electric cooperative for which a certificate of deregulation is on file with the commission pursuant to RSA 301:57.

II. Whenever a pole owner is unable to reach agreement with a party seeking pole attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C. section 224(c).

III. The ~~[commission]~~ **department of energy** shall adopt rules under RSA 541-A to carry out the provisions of this section, including appropriate formula or formulae for apportioning costs.

IV. In exercising its authority under this subdivision, the ~~[commission]~~ **department of energy** shall consider the interests of the subscribers and users of the services offered via such attachments, as well as the interests of the consumers of any pole owner providing such attachments.

V. Nothing in this subdivision shall prevent parties from entering into pole attachment agreements voluntarily, without commission approval.

VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of attachments regulated under this subdivision. A pole owner may deny access to its poles on a nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

VII. The commission shall have the authority to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments.

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VIII. The ~~[commission]~~ **department of energy** shall retain its authority to regulate the safety, vegetation management, emergency response, and storm restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of public utilities and other private entities located within public rights-of-way and on, over, or under state lands and water bodies.

272 Repeals. The following are repealed:

I. RSA 374:35, relative to transmitting electricity out of the state.

II. RSA 374:36, relative to investigations and orders.

273 Investigation of Accidents. Amend RSA 374:37-374:40 to read as follows:

374:37 By ~~[Commission]~~ **Department**. The ~~[commission]~~ **department of energy** shall investigate the causes of all accidents in connection with the operation of public utilities in the state, which, in the opinion of the commission **or the department of energy**, ought to be investigated.

374:38 Manner. Any such investigation may be made by the ~~[full commission]~~ **department of energy** ~~[-or by a single commissioner, or by an agent of the commission,]~~ in such manner as the ~~[commission]~~ **department of energy** may determine.

374:39 Reports. Every public utility shall report to the **department of energy and the** commission accidents occurring in connection with the operation of its business wherein loss of life occurs or any person is injured, or of such a nature as to endanger the safety, health or property of its consumers or the public, as and whenever directed by such rules and regulations as the **department of energy and the** commission may prescribe.

374:40 Publicity. Reports of accidents filed under RSA 374:39 shall not be made public otherwise than in the published reports of the commission **or the department of energy**.

274 New Paragraph; Definitions. Amend RSA 374:48 by inserting after paragraph II the following new paragraph:

II-a. "Department" means the department of energy.

275 Rulemaking. Amend the introductory paragraph of RSA 374:50 to read as follows:

The ~~[commission]~~ **department** shall adopt rules, pursuant to RSA 541-A, relative to:

276 Civil Penalty. Amend RSA 374:55 to read as follows:

374:55 Civil Penalty.

I. Proof that an excavation has been made without compliance with the notice requirement of RSA 374:51 and that damage to an underground facility has occurred shall be prima facie evidence in any court or administrative proceeding that the damage was caused by the negligence of the excavator.

II. Any excavator who does not give notice of or identify the proposed excavation area as required by RSA 374:51 or rules of the ~~[commission]~~ **department** regarding tolerance zones and marking procedures shall be subject to the penalties in paragraph VIII, in addition to any liability for the actual damages.

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1           III. Any operator which does not mark the location of its underground facilities as required  
2 by RSA 374:53 or rules of the ~~[commission]~~ **department** regarding tolerance zones and marking  
3 procedures shall be subject to the penalties in paragraph VIII.

4           IV. If underground facilities are damaged because an operator does not mark its  
5 underground facilities as required by RSA 374:53, the operator shall be subject to the penalties in  
6 paragraph VIII, liable for damages sustained to its facilities and, in addition, shall be liable for any  
7 damages incurred by the excavator as a result of the operator's failure to mark such facilities.

8           V. If marked underground facilities are damaged, the excavator shall be subject to the  
9 penalties in paragraph VIII and liable for the cost of repairs for the damage.

10          VI. Any excavator who damages an underground facility and fails to notify the operator, or  
11 backfills the excavation without receiving permission, as required by RSA 374:54, shall be subject to  
12 the penalties in paragraph VIII.

13          VII. The ~~[commission]~~ **department** or any ~~[commission]~~ **department** employee, involved in  
14 an underground facility damage prevention program approved by the ~~[commission]~~ **department** and  
15 designated by the ~~[commission]~~ **department**, may enforce violations of this subdivision. Any  
16 excavator or operator that violates this subdivision shall be subject to the penalties in paragraph  
17 VIII. In addition, the ~~[commission]~~ **department** may assess the excavator for expenditures made to  
18 collect the civil penalty. Any excavator or operator which suffers damage resulting from violation of  
19 this subdivision may petition the ~~[commission]~~ **department** to initiate an enforcement action.

20          VIII. Any excavator or operator that does not comply with RSA 374:51 through 374:54 shall  
21 be required either to complete an underground facility damage prevention program approved by the  
22 ~~[commission]~~ **department**, or to pay a civil penalty of up to \$500. The civil penalty may be up to  
23 \$5,000 if the excavator or operator previously violated RSA 374:51 through 374:54 within the prior  
24 12 months or if the violation results in bodily injury or property damages exceeding \$50,000,  
25 excluding utility costs. This paragraph shall not apply to a homeowner excavating on his or her own  
26 property or to a legal occupant of residential property excavating on the property of his or her  
27 primary residence with the permission of the owner.

28          277 Telephone Number Conservation and Area Code Implementation Policy Principles. Amend  
29 RSA 374:59 to read as follows:

30          374:59 Telephone Number Conservation and Area Code Implementation Policy Principles.

31           I. In this section:

32           (a) ~~["Commission"]~~ "**Department**" means the ~~[public utilities commission]~~ **department**  
33 **of energy**.

34           (b) "Geographic split" means the division of an area code into typically 2 areas each  
35 served by its own area code.

36           (c) "Overlay" means the addition of a new area code serving the same geographic area as  
37 the existing area code.

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1           II. The ~~[commission]~~ **department** should promote and adopt telephone number conservation  
2 measures to the maximum extent allowed by federal law for area code 603 and any subsequently  
3 assigned New Hampshire area codes.

4           III. The ~~[commission]~~ **department** should adopt measures, to the maximum extent  
5 allowable by federal law and availability of technology, to provide that all customers of all suppliers  
6 have equitable access to all currently available unassigned telephone numbers and equitable access  
7 to numbers that have not been assigned to a customer which are available for porting to a second  
8 supplier. Blocks of telephone numbers that are currently assigned but may be retrievable if  
9 thousands number block pooling becomes available should be assigned on an equitable basis to all  
10 suppliers.

11           IV. The ~~[commission]~~ **department** should adopt measures, to the maximum extent  
12 allowable by federal law and availability of technology, to provide for local number portability by all  
13 suppliers of local exchange service.

14           V. To the extent that any one competitor is responsible for managing a pool of numbers  
15 which is to be assigned to customers of that competitor and other competitors, the ~~[commission]~~  
16 **department** should adopt policies to require that the assignment and management of the numbers  
17 be kept segregated from the marketing portion of that competitor.

18           VI. When determining whether to implement a new area code via geographic split or overlay  
19 the ~~[commission]~~ **department** should consider, but not be limited to, the following criteria when  
20 determining the public interest:

- 21           (a) Which method best minimizes customer disruption from having to change numbers;  
22           (b) Which method is the least costly for business and residents;  
23           (c) Which method best minimizes customer confusion;  
24           (d) Which method is the least costly for providers to implement;  
25           (e) Which method most effectively conserves the total pool of telephone numbers once a  
26 new area code is created;  
27           (f) Which method minimizes geographic controversy;  
28           (g) Which method is most equitable to every resident and business in New Hampshire;  
29           (h) Which method minimizes repeating the disruption of area code changes in the future;  
30           (i) Which method best ensures public safety;  
31           (j) Which method is more competitively neutral; and  
32           (k) Which method utilizes best available technology and comprehensive  
33 telecommunications planning.

34           278 Renewable Energy and Energy Efficiency Project Loan Programs. Amend RSA 374:61 to  
35 read as follows:

36           374:61 Renewable Energy and Energy Efficiency Project Loan Programs. A public utility may  
37 seek ~~[commission]~~ authorization **from the department of energy**, either individually or in

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1 combination with other public utilities, to establish loan, financing, or cost amortization programs  
2 for owners and tenants of residential, public, nonprofit, and business property to finance or  
3 otherwise amortize cost effective fuel neutral renewable energy and energy efficiency investments  
4 and improvements to the owner's or tenant's premises. The total amount loaned in such programs  
5 shall not exceed \$5,000,000. The ~~commission~~ **department** shall authorize terms, conditions, and  
6 tariffs for the repayment of such loans and financed or underwritten investments and improvements  
7 through charges billed through and that run with the meter or meters assigned to the location where  
8 the investments are located, provided that such investments or improvements to a tenant's premises  
9 are only made with the written consent of the owner or the owner's authorized management  
10 representative. Pursuant to RSA 477:4-h, the owner, seller, lessor, or transferor of any real property  
11 subject to unamortized or ongoing charges under such a tariff shall disclose such fact to a prospective  
12 buyer, lessee, or occupant who might be responsible for paying such charges as a condition of utility  
13 service. A public utility may not finance these loan, financing, or cost amortization programs  
14 through its rate base, nor earn its regulated rate of return on such program investments and  
15 improvements to the owner's or tenant's premises, unless such investment is approved as part of a  
16 strategy for minimizing transmission and distributions costs pursuant to RSA 374-G.

17 279 Electric Utility Restructuring; Purpose. Amend RSA 374-F:1, III to read as follows:

18 III. The following interdependent policy principles are intended to guide the New  
19 Hampshire public utilities commission **and the department of energy** in implementing a statewide  
20 electric utility industry restructuring plan, in establishing interim stranded cost recovery charges, in  
21 approving each utility's compliance filing, in streamlining administrative processes to make  
22 regulation more efficient, and in regulating a restructured electric utility industry. In addition,  
23 these interdependent principles are intended to guide the New Hampshire general court and the  
24 department of environmental services and other state agencies in promoting and regulating a  
25 restructured electric utility industry.

26 280 New Paragraph; Definitions. Amend RSA 374-F:2 by inserting after paragraph I-a the  
27 following new paragraph:

28 I-b. "Department" means the department of energy.

29 281 Restructuring Policy Principles; Implementation. Amend RSA 374-F:3 and 374-F:4 to read  
30 as follows:

31 374-F:3 Restructuring Policy Principles.

32 I. System Reliability. Reliable electricity service must be maintained while ensuring public  
33 health, safety, and quality of life.

34 II. Customer Choice. Allowing customers to choose among electricity suppliers will help  
35 ensure fully competitive and innovative markets. Customers should be able to choose among options  
36 such as levels of service reliability, real time pricing, and generation sources, including  
37 interconnected self generation. Customers should expect to be responsible for the consequences of

1 their choices. The ~~[commission]~~ **department** should ensure that customer confusion will be  
2 minimized and customers will be well informed about changes resulting from restructuring and  
3 increased customer choice.

4 III. Regulation and Unbundling of Services and Rates. When customer choice is introduced,  
5 services and rates should be unbundled to provide customers clear price information on the cost  
6 components of generation, transmission, distribution, and any other ancillary charges. Generation  
7 services should be subject to market competition and minimal economic regulation and at least  
8 functionally separated from transmission and distribution services which should remain regulated  
9 for the foreseeable future. However, distribution service companies should not be absolutely  
10 precluded from owning small scale distributed generation resources as part of a strategy for  
11 minimizing transmission and distribution costs. Performance based or incentive regulation should  
12 be considered for transmission and distribution services. Upward revaluation of transmission and  
13 distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers  
14 who do not own transmission and distribution facilities, should, at a minimum, be registered with  
15 the ~~[commission]~~ **department**.

16 IV. Open Access to Transmission and Distribution Facilities. Non-discriminatory open  
17 access to the electric system for wholesale and retail transactions should be promoted.  
18 Comparability should be assured for generators competing with affiliates of groups supplying  
19 transmission and distribution services. Companies providing transmission services should file at the  
20 FERC or with the commission, **or with the department of energy**, as appropriate, comparable  
21 service tariffs that provide open access for all competitors. The commission **and the department**  
22 should monitor companies providing transmission or distribution services and take necessary  
23 measures to ensure that no supplier has an unfair advantage in offering and pricing such services.

24 V. Universal Service.

25 (a) Electric service is essential and should be available to all customers. A utility  
26 providing distribution services must have an obligation to connect all customers in its service  
27 territory to the distribution system. A restructured electric utility industry should provide adequate  
28 safeguards to assure universal service. Minimum residential customer service safeguards and  
29 protections should be maintained. Programs and mechanisms that enable residential customers  
30 with low incomes to manage and afford essential electricity requirements should be included as a  
31 part of industry restructuring.

32 (b) As competitive markets emerge, customers should have the option of stable and  
33 predictable ceiling electricity prices through a reasonable transition period, consistent with the near  
34 term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition  
35 service should be available for at least one but not more than 5 years after competition has been  
36 certified to exist in at least 70 percent of the state pursuant to RSA 38:36, for customers who have  
37 not yet chosen a competitive electricity supplier. Transition service should be procured through



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1 competitive means and may be administered by independent third parties. The price of transition  
2 service should increase over time to encourage customers to choose a competitive electricity supplier  
3 during the transition period. Such transition service should be separate and distinct from default  
4 service.

5 (c) Default service should be designed to provide a safety net and to assure universal  
6 access and system integrity. Default service should be procured through the competitive market and  
7 may be administered by independent third parties. Any prudently incurred costs arising from  
8 compliance with the renewable portfolio standards of RSA 362-F for default service or purchased  
9 power agreements shall be recovered through the default service charge. The allocation of the costs  
10 of administering default service should be borne by the customers of default service in a manner  
11 approved by the commission. If the commission determines it to be in the public interest, the  
12 commission may implement measures to discourage misuse, or long-term use, of default service.  
13 Revenues, if any, generated from such measures should be used to defray stranded costs.

14 (d) The commission should establish transition and default service appropriate to the  
15 particular circumstances of each jurisdictional utility.

16 (e) Notwithstanding any provision of subparagraphs (b) and (c), as competitive markets  
17 develop, the commission may approve alternative means of providing transition or default services  
18 which are designed to minimize customer risk, not unduly harm the development of competitive  
19 markets, and mitigate against price volatility without creating new deferred costs, if the commission  
20 determines such means to be in the public interest.

21 (f)(1) For purposes of subparagraph (f), "renewable energy source" (RES) means a source  
22 of electricity, as defined in RSA 362-F:2, XV, that would qualify to receive renewable energy  
23 certificates under RSA 362-F, whether or not it has been designated as eligible under RSA 362-F:6,  
24 III.

25 (2) A utility shall provide to its customers one or more RES options, as approved by  
26 the commission, which may include RES default service provided by the utility or the provision of  
27 retail access to competitive sellers of RES attributes. Costs associated with selecting an RES option  
28 should be paid for by those customers choosing to take such option. A utility may recover all  
29 prudently incurred administrative costs of RES options from all customers, as approved by the  
30 commission.

31 (3) RES default service should have either all or a portion of its service attributable  
32 to a renewable energy source component procured by the utility, with any remainder filled by  
33 standard default service. The price of any RES default service shall be approved by the commission.

34 (4) Under any option offered, the customer shall be purchasing electricity generated  
35 by renewable energy sources or the attributes of such generation, either in connection with or  
36 separately from the electricity produced. The regional generation information system of energy

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certificates administered by the ISO-New England and the New England Power Pool (NEPOOL) should be considered at least one form of certification that is acceptable under this program.

(5) A utility that is required by statute to provide default service from its generation assets should use any of its owned generation assets that are powered by renewable energy for the provision of standard default service, rather than for the provision of a renewable energy source component.

(6) Utilities should include educational materials in their normal communications to their customers that explain the RES options being offered and the health and environmental benefits associated with them. Such educational materials should be compatible with any environmental disclosure requirements established by the ~~commission~~ **department**.

(7) For purposes of consumer protection and the maintenance of program integrity, reasonable efforts should be made to assure that the renewable energy source component of an RES option is not separately advertised, claimed, or sold as part of any other electricity service or transaction, including compliance with the renewable portfolio standards under RSA 362-F.

(8) If RES default service is not available for purchase at a reasonable cost on behalf of consumers choosing an RES default service option, a utility may, as approved by the commission, make payments to the renewable energy fund created pursuant to RSA 362-F:10 on behalf of customers to comply with subparagraph (f).

(9) The commission shall implement subparagraph (f) through utility-specific filings. Approved RES options shall be included in individual tariff filings by utilities.

(10) A utility, with commission approval, may require that a minimum number of customers, or a minimum amount of load, choose to participate in the program in order to offer an RES option.

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission **and department** expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016,

1 ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource  
2 Standard, is authorized by the fiscal committee of the general court; provided, however, that no less  
3 than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-  
4 income energy efficiency programs. Energy efficiency programs should include the development of  
5 relationships with third-party lending institutions to provide opportunities for low-cost financing of  
6 energy efficiency measures to leverage available funds to the maximum extent, and shall also  
7 include funding for workforce development to minimize waiting periods for low-income energy audits  
8 and weatherization.

9 VII. Full and Fair Competition. Choice for retail customers cannot exist without a range of  
10 viable suppliers. The rules that govern market activity should apply to all buyers and sellers in a  
11 fair and consistent manner in order to ensure a fully competitive market.

12 VIII. Environmental Improvement. Continued environmental protection and long term  
13 environmental sustainability should be encouraged. Increased competition in the electric industry  
14 should be implemented in a manner that supports and furthers the goals of environmental  
15 improvement. Over time, there should be more equitable treatment of old and new generation  
16 sources with regard to air pollution controls and costs. New Hampshire should encourage equitable  
17 and appropriate environmental regulation, based on comparable criteria, for all electricity  
18 generators, in and out of state, to reduce air pollution transported across state lines and to promote  
19 full, free, and fair competition. As generation becomes deregulated, innovative market-driven  
20 approaches are preferred to regulatory controls to reduce adverse environmental impacts. Such  
21 market approaches may include valuing the costs of pollution and using pollution offset credits.

22 IX. Renewable Energy Resources. Increased future commitments to renewable energy  
23 resources should be consistent with the New Hampshire energy policy as set forth in RSA 378:37  
24 and should be balanced against the impact on generation prices. Over the long term, increased use  
25 of cost-effective renewable energy technologies can have significant environmental, economic, and  
26 security benefits. To encourage emerging technologies, restructuring should allow customers the  
27 possibility of choosing to pay a premium for electricity from renewable resources and reasonable  
28 opportunities to directly invest in and interconnect decentralized renewable electricity generating  
29 resources.

30 X. Energy Efficiency. Restructuring should be designed to reduce market barriers to  
31 investments in energy efficiency and provide incentives for appropriate demand-side management  
32 and not reduce cost-effective customer conservation. Utility sponsored energy efficiency programs  
33 should target cost-effective opportunities that may otherwise be lost due to market barriers.

34 XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that  
35 are expected to produce lower prices for all customers than would have been paid under the current  
36 regulatory system. Given New Hampshire's higher than average regional prices for electricity,  
37 utilities, in the near term, should work to reduce rates for all customers. To the greatest extent

1 practicable, rates should approach competitive regional electric rates. The state should recognize  
2 when state policies impose costs that conflict with this principle and should take efforts to mitigate  
3 those costs. The unique New Hampshire issues contributing to the highest prices in New England  
4 should be addressed during the transition, wherever possible.

5 XII. Recovery of Stranded Costs.

6 (a) It is the intent of the legislature to provide appropriate tools and reasonable  
7 guidance to the commission in order to assist it in addressing claims for stranded cost recovery and  
8 fulfilling its responsibility to determine rates which are equitable, appropriate, and balanced and in  
9 the public interest. In making its determinations, the commission shall balance the interests of  
10 ratepayers and utilities during and after the restructuring process. Nothing in this section is  
11 intended to provide any greater opportunity for stranded cost recovery than is available under  
12 applicable regulation or law on the effective date of this chapter.

13 (b) Utilities should be allowed to recover the net nonmitigatable stranded costs  
14 associated with required environmental mandates currently approved for cost recovery, and power  
15 acquisitions mandated by federal statutes or RSA 362-A.

16 (c) Utilities have had and continue to have an obligation to take all reasonable measures  
17 to mitigate stranded costs. Mitigation measures may include, but shall not be limited to:

18 (1) Reduction of expenses.

19 (2) Renegotiation of existing contracts.

20 (3) Refinancing of existing debt.

21 (4) A reasonable amount of retirement, sale, or write-off of uneconomic or surplus  
22 assets, including regulatory assets not directly related to the provision of electricity service.

23 (d) Stranded costs should be determined on a net basis, should be verifiable, should not  
24 include transmission and distribution assets, and should be reconciled to actual electricity market  
25 conditions from time to time. Any recovery of stranded costs should be through a nonbypassable,  
26 nondiscriminatory, appropriately structured charge that is fair to all customer classes, lawful,  
27 constitutional, limited in duration, consistent with the promotion of fully competitive markets and  
28 consistent with these principles. Entry and exit fees are not preferred recovery mechanisms.  
29 Charges to recover stranded costs should only apply to customers within a utility's retail service  
30 territory, except for such costs that have resulted from the provision of wholesale power to another  
31 utility. The charges should not apply to wheeling-through transactions.

32 XIII. Regionalism. New England Power Pool (NEPOOL) should be reformed and efforts to  
33 enhance competition and to complement industry restructuring on a regional basis should be  
34 encouraged. New Hampshire should work with other New England and northeastern states to  
35 accomplish the goals of restructuring. Working with other regional states, New Hampshire should  
36 assert maximum state authority over the entire electric industry restructuring process. While it is  
37 desirable to design and implement a restructured industry in concert with the other New England

1 and northeastern states, New Hampshire should not unnecessarily delay its timetable. Any pool  
2 structure adopted for the restructured industry should not preclude bilateral contracts with pool and  
3 non-pool services and should not preclude ancillary pool services from being obtained from non-pool  
4 sources.

5 XIV. Administrative Processes. The commission *and the department* should adapt [its]  
6 *their* administrative processes to make regulation more efficient and to enable competitors to adapt  
7 to changes in the market in a timely manner. The market framework for competitive electric service  
8 should, to the extent possible, reduce reliance on administrative process. New Hampshire should  
9 move deliberately to replace traditional planning mechanisms with market driven choice as the  
10 means of supplying resource needs.

11 XV. Timetable. The commission should seek to implement full customer choice among  
12 electricity suppliers in the most expeditious manner possible, but may delay such implementation in  
13 the service territory of any electric utility when implementation would be inconsistent with the goal  
14 of near-term rate relief, or would otherwise not be in the public interest.

15 374-F:4 Implementation.

16 I. The commission is authorized to require the implementation of retail choice of electric  
17 suppliers for all customer classes of utilities providing retail electric service under its jurisdiction.  
18 The commission shall require such implementation at the earliest date determined to be in the  
19 public interest by the commission. However, in no event may the implementation be delayed beyond  
20 July 1, 1998 without legislative approval or a finding of public interest by the commission that delay  
21 is required due to events beyond the control of the commission or that implementation of retail  
22 choice within the service territory of any electric utility would be inconsistent with the goal of near-  
23 term rate relief or would otherwise not be in the public interest. In the event that implementation of  
24 retail choice is delayed in the service territory of an electric utility, the electric utility shall continue  
25 to provide reliable retail service at the lowest reasonable cost in accordance with state law. In  
26 addition, at the earliest practical date, the commission should make effective the unbundling of  
27 components of rates into at least distribution, transmission, and generation for each jurisdictional  
28 utility.

29 II. Upon the effective date of this chapter, the commission shall undertake a generic  
30 proceeding to develop a statewide industry restructuring plan in accordance with the above  
31 principles, and shall, after public hearings, issue a final order no later than February 28, 1997. In  
32 its order, the commission shall establish the interim stranded cost recovery charge for each electric  
33 utility as provided in paragraph VI.

34 III. The commission shall require all electric utilities subject to its jurisdiction to submit  
35 compliance filings *to the department of energy*, which shall include open access tariffs and such  
36 other information as the commission may require, no later than June 30, 1997. The [commission]  
37 *department* shall investigate and *the commission* shall approve utility compliance filings, subject

1 to modification by the commission if necessary, after public hearing and subject to a finding that the  
2 filings are in the public interest and substantially consistent with the principles established in this  
3 chapter.

4 IV. A utility having less than a 50 percent share of statewide retail electric distribution  
5 sales (measured in kilowatt hours per year) may seek a ruling by the commission that it is in the  
6 public interest that implementation of such utility's compliance filing be deferred until compliance  
7 filings representing 70 percent of retail electric sales have been or are being implemented.

8 V. The commission is authorized to allow utilities to collect a stranded cost recovery charge,  
9 subject to its determination in the context of a rate case or adjudicated settlement proceeding that  
10 such charge is equitable, appropriate, and balanced, is in the public interest, and is substantially  
11 consistent with these interdependent principles. The burden of proof for any stranded cost recovery  
12 claim shall be borne by the utility making such claim.

13 VI.(a) In order to facilitate the rapid transition to full competition, the commission is  
14 authorized, in its generic restructuring order as provided in paragraph II, to set, without a formal  
15 rate case proceeding, an interim stranded cost recovery charge for each electric utility. Such interim  
16 stranded cost recovery charges shall be effective for not more than 2 years from the implementation  
17 of utility compliance filings and shall be based on the commission's preliminary determination of an  
18 equitable, appropriate, and balanced measure of stranded cost recovery that takes into account the  
19 near term rate relief principle, is in the public interest, and is substantially consistent with these  
20 interdependent principles. The commission shall also consider the potential for future rate impacts  
21 due to possible differences between interim stranded cost recovery charges and charges that may  
22 finally be approved for stranded cost recovery.

23 (b) Any utility may seek adjustment of the interim stranded cost recovery charge at any  
24 time based on severe financial hardship, as determined by the commission. The setting of an interim  
25 stranded cost recovery charge shall establish no legal, factual, or policy precedent with respect to the  
26 final determination of stranded cost recovery by the commission in any subsequent administrative or  
27 judicial proceeding.

28 VII. The interim stranded cost recovery charge established for a utility as provided in  
29 paragraph VI may also be adjusted based upon the outcome of rate case proceedings to adjudicate  
30 claims for stranded cost recovery pursuant to paragraph V of this section. Any amounts approved by  
31 the commission for stranded cost recovery shall be net of amounts previously collected through  
32 interim stranded cost recovery charges.

33 VIII.(a) The commission is authorized to order such charges and other service provisions and  
34 to take such other actions that are necessary to implement restructuring and that are substantially  
35 consistent with the principles established in this chapter. The commission is authorized to require  
36 that distribution and electricity supply services be provided by separate affiliates.

37 (b) [Repealed.]

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1 (c) The portion of the system benefits charge due to programs for low-income customers  
2 shall not exceed 1.5 mills per kilowatt hour. If the commission determines that the low-income  
3 program fund has accumulated an excess of \$1,000,000 and that the excess is not likely to be  
4 substantially reduced over the next 12 months, it shall suspend collection of some or all of this  
5 portion of the system benefits charge for a period of time it deems reasonable.

6 (d) [Repealed.]

7 (e) Targeted conservation, energy efficiency, and load management programs and  
8 incentives that are part of a strategy to minimize distribution costs may be included in the  
9 distribution charge or the system benefits charge, provided that system benefits charge funds are  
10 only used for customer-based energy efficiency measures, and such funding shall not exceed 10  
11 percent of the energy efficiency portion of a utility's annual system benefits charge funds. A proposal  
12 for such use of system benefits charge funds shall be presented to the commission for approval. Any  
13 such approval shall initially be on a pilot program basis and the results of each pilot program  
14 proposal shall be subject to evaluation by the commission.

15 (f) Beginning in 2000, the commission *and the department* shall submit a report to the  
16 legislative oversight committee to monitor the transformation of delivery of electric services by  
17 October 1 of each year. The report shall concern the results and effectiveness of the system benefits  
18 charge.

19 (g) [Repealed.]

20 VIII-a. Any electric utility that collects funds for energy efficiency programs that are subject  
21 to the commission's approval, shall include in its plans to be submitted to the commission program  
22 design, and/or enhancements, and estimated participation that maximize energy efficiency benefits  
23 to public schools, including measures that help enhance the energy efficiency of public school  
24 construction or renovation projects that are designed to improve indoor air quality. The report  
25 required under RSA 374-F:4, VIII(f) shall include the results and effectiveness of the energy  
26 efficiency programs for schools and, in addition to other requirements, be submitted to the  
27 commissioner of the department of education.

28 IX. An electricity supplier shall be eligible to compete, subject to necessary limitations  
29 established by the commission, for open access customers only if affiliated utilities file comparable  
30 open access transmission and distribution rates with the FERC or the commission, or both as  
31 appropriate, for all of their transmission facilities in New Hampshire and to the extent practicable,  
32 all of their distribution facilities in New Hampshire.

33 X. Nothing in this chapter shall be construed to prohibit the commission from otherwise  
34 exercising its lawful authority under title 34, in proceedings which relate to the introduction of  
35 competition in the retail electric utility industry including the retention of experts and consultants to  
36 assist the commission in its investigations and the assessment of such costs against utilities and any  
37 other parties to the proceedings, consistent with RSA 365:37 and RSA 365:38.

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1           XI. Any administrative or adjudicative proceeding or public hearing relating to this chapter  
2 shall be subject to the provisions of RSA 541-A.

3           XII. To the extent that the provisions of this chapter are applicable to rural electric  
4 cooperatives for which a certificate of deregulation is on file with the commission, the commission  
5 shall exercise its authority with regard to such deregulated rural electric cooperatives only when and  
6 to the extent that the commission finds, after notice and hearing, that such action is required to  
7 ensure that such deregulated rural electric cooperatives do not act in a manner which is inconsistent  
8 with the restructuring policy principles of RSA 374-F:3. The commission shall have the authority to  
9 require that such deregulated rural electric cooperatives participate in proceedings, answer  
10 commission *and department* for information and file such reports as may be reasonably necessary  
11 to permit the commission to make an informed finding concerning the relevant restructuring policy  
12 principle actions of such deregulated rural electric cooperatives. Absent such a finding by the  
13 commission, the active role of assuring that the restructuring policy principles are appropriately  
14 addressed within their service territories shall be reserved to the deregulated rural electric  
15 cooperatives. Notwithstanding the foregoing, deregulated rural electric cooperatives shall be subject  
16 to the commission's jurisdiction with regard to those provisions of RSA 374-F pertaining to stranded  
17 cost recovery, customer choice, open access tariffs, default service, energy efficiency, and low income  
18 programs to the same extent as other public utilities.

19           282 Electric Utility Restructuring; Ratepayer Protection. Amend RSA 374-F:4-b to read as  
20 follows:

21           374-F:4-b Ratepayer Protection.

22           I. Within 60 days of the effective date of this section, the commission shall initiate a  
23 proceeding to develop rules to allow residential and small commercial customers to choose how they  
24 receive communication from competitive electric suppliers and to implement the provisions of this  
25 section. Where the commission has adopted rules in conformity with this section, complaints to and  
26 proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

27           II. ~~[Within 120 days of the effective date of this section, the commission shall redesign its~~  
28 ~~website to]~~ ***The department of energy shall*** enable residential and small commercial customers to  
29 compare standard pricing policies and charges and to require competitive electric suppliers to input  
30 such information ***on the department's website***. Such information shall be input no less frequently  
31 than once per month, unless there is no change in such information. ~~[Such redesign shall:~~

32                   ~~(a) Reflect the best practices of similar commission websites in other states and develop~~  
33 ~~a process for removal of a competitive electric supplier's listings from such Internet website based on~~  
34 ~~protocols established by the commission to ensure compliance with this section and to address~~  
35 ~~customer complaints.~~

36                   ~~(b) Emphasize:~~



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~~(1) Uniformity in the way competitive electric suppliers provide information for each category on the commission's website.~~

~~(2) Ease of use by customers.~~

~~(3) Ease of selecting and purchasing a specific contract from a competitive electric supplier shown on the commission's website.~~

~~(e) Include separate input boxes for the following information:~~

~~(1) A link to the provider's web page.~~

~~(2) Contract durations.~~

~~(3) Whether the contract has variable or fixed rates, or both, and when such rates apply.~~

~~(4) Cancellation charges.~~

~~(5) Rates.~~

~~(6) Other relevant information.]~~

III. ~~[On or before July 1, 2017, and every 2 years thereafter, the commission]~~ **The department of energy** shall review its website **every 2 years** and ensure that the site remains an efficient tool for the comparison of pricing policies and charges among competitive electric suppliers.

IV. Unless the contract specifies a month-to-month variable rate, no competitive electric supplier shall charge a residential customer a variable rate, including during a contract term or following the expiration of a contract, without first providing written notification in a form approved by the commission of the nature of such variable rate 45 days prior to the commencement of the variable rate. The residential customer shall select the method of written notification at the time the contract is signed. Such customer shall have the option to change the method of notification at any time during the contract.

V. Competitive electric suppliers shall retain records of any of the notices required in this section for a period of not less than 2 years and shall make such records available to the commission upon its request.

283 Oversight Committee; Report. Amend RSA 374-F:5, III to read as follows:

III. The committee shall provide an interim report on or before April 1, and an annual report on or before November 1 to the governor, the speaker of the house, the senate president, the state library, ~~[and] the public utilities commission,~~ **and the department of energy** on activities before the public utilities commission and other cognizant state agencies in regard to evolving changes in the provision of electric services to New Hampshire customers, including modernization of the electric grid, development of technologies for electric storage, electrification of transportation, the growth of distributed generation, the commission's role in a deregulated market, and such matters as may arise that may present opportunities to improve the delivery of electric services or to reduce cost.

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1       284 Competitive Electricity Supplier Requirements; Participation in Regional Activities. Amend  
2 RSA 374-F:7 and 374-F:8 to read as follows:

3       374-F:7 Competitive Electricity Supplier Requirements.

4       I. Competitive energy suppliers are not public utilities pursuant to RSA 362:2, though a  
5 competitive energy supplier may seek public utility status from the ~~[commission]~~ **department** if it  
6 so chooses. Notwithstanding a competitive energy supplier's non-utility status, the ~~[commission]~~  
7 **department** is authorized to establish requirements, excluding price regulation, for competitive  
8 electricity suppliers, including registration, registration fees, customer information, disclosure,  
9 standards of conduct, and consumer protection and assistance requirements. Unless electing to do  
10 so, an electricity supplier that offers or sells at retail to consumers within this state products and  
11 services that can lawfully be made available to such consumers by more than one supplier shall not,  
12 because of such offers or sales, be deemed to be a public utility as defined by RSA 362:2. These  
13 requirements shall be applied in a manner consistent with the restructuring principles of this  
14 chapter to promote competition among electricity suppliers.

15       II. Aggregators of electricity load that do not take ownership of power or other services and  
16 do not represent any supplier interest are not public utilities pursuant to RSA 362:2, but shall notify  
17 the ~~[commission]~~ **department** of their intent to do business. Municipalities that aggregate electric  
18 power or energy services for their citizens pursuant to RSA 53-E are not public utilities pursuant to  
19 RSA 362:2 and are not subject to the provisions of paragraph III and RSA 374-F:4-b.

20       III. The **department may investigate and petition the** commission ~~[may]~~ **to** assess fines  
21 against, revoke the registration of, order the rescission of contracts with residential customers of,  
22 order restitution to the residential customers of, and prohibit from doing business in the state any  
23 competitive electricity supplier, including any aggregator or broker, which is found to have:

24               (a) Engaged in any unfair or deceptive acts or practices in the marketing, sale, or  
25 solicitation of electricity supply or related services;

26               (b) Violated the requirements of this section or any other provision of this title  
27 applicable to competitive electricity suppliers; or

28               (c) Violated any rule adopted by the ~~[commission]~~ **department** pursuant to paragraph V  
29 and RSA 374-F:4-b.

30       IV. As a condition of operation, for a 2-year interim period from the date that competition is  
31 implemented in one or more areas of the state, competitive energy suppliers and load aggregators  
32 shall submit to the jurisdiction of the commission for mediation and resolution of disputes between  
33 customers and competitive energy suppliers or aggregators. Municipalities that aggregate electric  
34 power or energy service for their citizens pursuant to RSA 53-E are not subject to this paragraph.

35       V. The ~~[commission]~~ **department** shall adopt rules, under RSA 541-A, to implement this  
36 section. Where the ~~[commission]~~ **department** has adopted rules in conformity with this section,

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1 complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA  
2 541-A:29-a.

3 374-F:8 Participation in Regional Activities. The ~~[commission]~~ **department** shall advocate for  
4 New Hampshire interests before the Federal Energy Regulatory Commission and other regional and  
5 federal bodies. The commission shall participate in the activities of the New England Conference of  
6 Public Utility Commissioners, **and** the National Association of Regulatory Utility Commissioners,  
7 and the **department shall participate in the activities of the** New England States Committee on  
8 Electricity, or other similar organizations, and work with the New England Independent System  
9 Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale  
10 electric issues, including policy goals relating to fuel diversity, renewable energy, and energy  
11 efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable  
12 transmission system at just and reasonable prices. The ~~[commission]~~ **department** shall advocate  
13 against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or  
14 laws of New Hampshire. In its participation in regional activities, the commission **and the**  
15 **department** shall consider how other states' policies will impact New Hampshire rates and work to  
16 prevent or minimize any rate impact the commission **or department** determines to be unjust or  
17 unreasonable.

18 285 Offshore Wind and Port Development; Commission Established; Membership. Amend RSA  
19 374-F:10, II(c) to read as follows:

20 (c) The ~~[director of the office of strategic initiatives]~~ **commissioner of the department**  
21 **of energy**, or designee.

22 286 Reference Changed; Office of Offshore Wind Industry Development. Amend RSA 374-F:10,  
23 VI to read as follows:

24 VI. The commission shall receive staff support and other services, including research and  
25 facilities assessments, from the department of ~~[business and economic affairs]~~ **energy**, office of  
26 offshore wind industry development established in RSA ~~[12-O:51]~~ **12-P:7-b**.

27 287 Definitions Amend RSA 374-H:1, I to read as follows:

28 I. ~~["Commission"]~~ **"Department"** means the ~~[public utilities commission]~~ **department of**  
29 **energy**.

30 288 Investigation of Energy Storage. Amend RSA 374-H:2 to read as follows:

31 374-H:2 ~~[Commission]~~ **Department** Investigation of Energy Storage.

32 I. Within 30 days of the effective date of this chapter, the ~~[commission]~~ **department** shall  
33 ~~[initiate a proceeding to investigate]~~ **conduct an investigation into** ways to enable energy storage  
34 projects to receive compensation for avoided transmission and distribution costs, including but not  
35 limited to avoided regional and local network service charges, while also participating in wholesale  
36 energy markets. The ~~[commission]~~ **department** shall investigate how this might be done for both

1 utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter  
2 storage and front-of-the-meter storage.

3 II. The ~~[commission's investigative proceeding]~~ **department's investigation** shall  
4 specifically consider the following:

5 (a) How public policy can best help establish accurate and efficient price signals for  
6 energy storage projects that value their ability to avoid transmission and distribution costs while  
7 simultaneously reducing wholesale electricity market prices.

8 (b) How to compensate energy storage projects that participate in wholesale electricity  
9 markets for avoided transmission and distribution costs in a manner that provides net savings to  
10 consumers.

11 (c) How best to encourage both utility and non-utility investments in energy storage  
12 projects.

13 (d) The costs and benefits of a potential bring your own device program; how such a  
14 program might be implemented; any statutory or regulatory changes that might be needed to create,  
15 facilitate, and implement such a program; and whether such a program should include all  
16 distributed energy resources or be limited to distributed energy storage projects.

17 (e) Any statutory changes the general court should implement, including but not limited  
18 to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to  
19 receive appropriate compensation for avoided transmission and distribution costs while also  
20 participating in wholesale energy markets.

21 (f) Any other topic the ~~[commission]~~ **department** reasonably believes it should consider  
22 in order to diligently conduct the proceeding.

23 III. The ~~[commission]~~ **department** shall report its findings and recommendations to the  
24 standing committees of the house of representatives and senate with jurisdiction over energy and  
25 utility matters no later than 2 years after initiating the proceeding. The report shall identify ways  
26 any recommended statutory changes can minimize any potential conflict with the restructuring  
27 policy principles of RSA 374-F.

28 289 Fixing of Rates by Commission; Energy Policy Act Standards. Amend RSA 378:7 and 378:7-  
29 a to read as follows:

30 378:7 Fixing of Rates by Commission. Whenever the commission shall be of opinion, after a  
31 hearing had upon its own motion **or on motion of the department of energy** or upon complaint,  
32 that the rates, fares or charges demanded or collected, or proposed to be demanded or collected, by  
33 any public utility for service rendered or to be rendered are unjust or unreasonable, or that the  
34 regulations or practices of such public utility affecting such rates are unjust or unreasonable, or in  
35 any wise in violation of any provision of law, or that the maximum rates, fares or charges chargeable  
36 by any such public utility are insufficient, the commission shall determine the just and reasonable or  
37 lawful rates, fares and charges to be thereafter observed and in force as the maximum to be charged

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for the service to be performed, and shall fix the same by order to be served upon all public utilities by which such rates, fares and charges are thereafter to be observed. The commission shall be under no obligation to investigate *or hear* any rate matter which it has investigated within a period of 2 years, but may do so within said period at its discretion.

378:7-a Energy Policy Act Standards. ~~[The commission]~~ ***Consistent with their statutory authority, the commission and the department of energy*** may establish requirements for net metering, fuel diversity, fossil fuel generation efficiency, advanced metering, time-based rates, and interconnection with on-site generation facilities of customers in a manner not inconsistent with section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Chapter 46) as amended by the Energy Policy Act of 2005.

290 Contracts for Advertising. Amend RSA 378:24 to read as follows:

378:24 Contracts for Advertising. All advertising contracts of public utilities shall be made at regular, established, commercial advertising rates; and such contracts shall be open to inspection by the commission ***and the department of energy*** at all times.

291 Filing; Inspection; Temporary Rates. Amend RSA 378:26 and 378:27 to read as follows:

378:26 Filing; Inspection. A copy of such list for the preceding year shall be filed with the commission ***and the department of energy***, in such form and under such regulations as ~~[the commission]~~ ***they*** may prescribe. Such list, together with the books, records and papers of the carrier so far as relevant, shall be open at all times to the inspection of the commission, who shall examine the same whenever they deem it necessary to the due enforcement of this title.

378:27 Temporary Rates. In any proceeding involving the rates of a public utility brought either upon motion of the commission ***or the department of energy*** or upon complaint, the commission may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires, immediately fix, determine, and prescribe for the duration of said proceeding reasonable temporary rates; provided, however, that such temporary rates shall be sufficient to yield not less than a reasonable return on the cost of the property of the utility used and useful in the public service less accrued depreciation, as shown by the reports of the utility filed with the commission ***and the department of energy***, unless there appears to be reasonable ground for questioning the figures in such reports.

292 Multi-use Data Energy Platform. Amend RSA 378:50-378:52 to read as follows:

378:50 Definitions. In this subdivision:

I. "Data sharing" means providing data and accessing data provided by others.

II. "Individual customer data" means the customer's name, address, opt-in status pursuant to RSA 374:62, energy usage as recorded by meters supplied by electric and natural gas utilities, and other data segments established and authorized by the ~~[commission]~~ ***department of energy***.

III. "Third party" means:

(a) Any service provider within the meaning of RSA 363:37, II other than a utility; and

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1 (b) The office of the consumer advocate established pursuant to RSA 363:28.  
2 378:51 Online Energy Data Platform Established.

3 I. The ~~[commission]~~ **department of energy** shall require electric and natural gas utilities to  
4 establish and jointly operate a statewide, multi-use, online energy data platform. The data platform  
5 shall:

6 (a) Consist of a common base of energy data for use in wide range of applications and  
7 business uses.

8 (b) Adhere to specific and well-documented standards.

9 (c) Provide a user-friendly interface.

10 (d) Adhere to a common statewide logical data model that defines the relationships  
11 among the various categories of data included in the platform.

12 (e) Allow for sharing of individual customer data consistent with the opt-in requirements  
13 for third-party access specified in RSA 363:38.

14 (f) Protect from unauthorized disclosure the personally identifying information of utility  
15 customers in a manner that advances applicable constitutional and statutory privacy rights,  
16 including the protections of RSA 363:38.

17 (g) Provide for the voluntary participation of municipal utilities and deregulated rural  
18 electric cooperatives in data sharing and the operation of the online energy data platform, subject to  
19 terms, conditions, and cost sharing which are reasonable and in the public interest.

20 II. The commission shall open an adjudicative proceeding within 90 days of the effective  
21 date of this subdivision, to which all electric and natural gas utilities shall be mandatory parties, to  
22 determine:

23 (a) Governance, development, implementation, change management, and versioning of  
24 the statewide, multi-use, online energy data platform.

25 (b) Standards for data accuracy, retention, availability, privacy, and security, including  
26 the integrity and uniformity of the logical data model.

27 (c) Financial security standards or other mechanisms to assure compliance with privacy  
28 standards by third parties.

29 III. The ~~[commission]~~ **department of energy** shall defer the implementation of the  
30 statewide, multi-use, online energy data platform pursuant to paragraph I if ~~[it]~~ **the commission**  
31 determines that the cost of such platform to be recovered from customers is unreasonable and not in  
32 the public interest.

33 IV. The ~~[commission]~~ **department of energy** may adopt **additional** rules pursuant to RSA  
34 541-A as necessary to implement this section.

35 378:52 Platform Requirements. The utilities shall:

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I. Design and operate the energy data platform to provide opportunities for utilities, their customers, and third parties to access the online energy data platform and to participate in data sharing.

II. Require, as a condition of accessing the online energy data platform, that a third party complete a qualification and registration process to ensure that any customer data downloaded from the platform remains in a safe, secure environment according to data privacy standards established by the ~~[commission]~~ **department of energy**.

III. Administer the online energy data platform in a manner consistent with RSA 363:38.

293 Regional Greenhouse Gas Initiative; Energy Efficiency Fund and Use of Auction Proceeds.  
Amend RSA 125-O:23 to read as follows:

125-O:23 Energy Efficiency Fund and Use of Auction Proceeds.

I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall be continually appropriated to the ~~[commission]~~ **department of energy** to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All programs supported by these funds shall be subject to audit by the ~~[commission]~~ **department of energy** as deemed necessary. A portion of the fund moneys shall be used to pay for ~~[commission]~~ **department of energy** and **department of environmental services** costs to administer this subdivision, including contributions for the state's share of the costs of the RGGI regional organization. No fund moneys shall be used by the ~~[commission]~~ **department of energy** or the **department of environmental services** to contract with outside consultants. The **department of energy** ~~[commission]~~ shall transfer from the fund to the **department of environmental services** such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the general court and the governor and council, for the department's cost of administering this subdivision.

II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for ~~[commission]~~ **department of energy** and **department of environmental services** administration under paragraph I, shall be allocated by the commission as follows:

(a) At least 15 percent to the low-income core energy efficiency program.

(b) Beginning January 1, 2014, up to \$2,000,000 annually to utility core programs for municipal and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding

energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year 2017, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge.

(c) The remainder to all-fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the commission. Bids shall be evaluated based on, but not limited to, the following criteria:

- (1) A benefit/cost ratio analysis including all fuels.
- (2) Demonstrated ability to provide a comprehensive, fuel neutral program.
- (3) Demonstrated infrastructure to effectively deliver such program.
- (4) Experience of the bidder in administering energy efficiency programs.
- (5) Ability to reach out to customers.
- (6) The validity of the energy saving assumptions described in the bid.

IV. The ~~[electric]~~ division of ***policy and programs of*** the ~~[commission]~~ ***department of energy*** shall conduct a competitive bid process for the selection of programs to be funded under subparagraph III(c), with such funding to begin January 1, 2015. The ~~[commission]~~ ***department of energy*** may petition the governor and council to extend existing contracts until such time as the competitive bids are approved by the governor and council, but in no event later than July 1, 2015. The competitive bid process shall be repeated every 3 years thereafter. Before extending any existing program, public comment on the proposed extension shall be accepted.

V. Each entity receiving funding under subparagraph III(c) shall file an annual report on the performance of the entity's program. The ~~[commission]~~ ***department of energy*** shall establish the format, content, and the methodologies used to provide the content of the reports. The ~~[commission]~~ ***department of energy*** shall make use of, as applicable and appropriate, the monitoring and verification requirements used in the natural gas and electric utility core programs. The annual reports shall be delivered to the governor, the president of the senate, the speaker of the house of representatives, the chairmen of the senate and house standing committees with



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jurisdiction over energy matters, *the commissioner of the department of energy* and the [chairman] *chairperson* of the public utilities commission. The reports shall include, but not be limited to, the following:

- (a) Program expenditures, including direct customer installation costs.
- (b) Resulting actual and projected energy savings by fuel type and associated CO2 emissions reductions.
- (c) Any measurement and verification data that corroborate projected savings.
- (d) The number of customers served by the programs.
- (e) Other data as required by the commission in order to determine program effectiveness.

294 New Paragraph; Bank Commissioner; Public Deposit Investment Pool. Amend RSA 383:22 by inserting after paragraph IV the following new paragraph:

V. The commissioner shall charge the public deposit investment pool any actual costs incurred by the department for the operation of the pool as well as any expenses of department personnel assisting in the operation of the pool. The cost for personnel assisting in the operation of the pool shall be determined in accordance with the per diem examination charge established in RSA 383:11, I, provided that the requirement that no entity shall be charged or pay less than one full day shall not apply. The private investment advisor retained under paragraph II shall be responsible for processing any invoice submitted for the actual costs incurred by the department and the expenses of department personnel under this paragraph.

295 Tax Expenditure Report; Weighted Apportionment Factors Removed. Amend RSA 71-C:2 to read as follows:

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; ~~[the weighted apportionment factors under RSA 77-A:3, II(a);]~~ *the regional career and technical education center tax credit pursuant to RSA 188-E:9-a;* and the exemption for qualified regenerative manufacturing companies allowed under RSA 77-A:1, I and RSA 77-E:1, III.

296 New Paragraph; Unemployment Compensation; Fraud Detection. Amend RSA 282-A:118 by inserting after paragraph VII the following new paragraph:

VIII. That for the purpose of preventing and detecting fraud in the unemployment compensation system as well as efficiently coordinating and streamlining integrity improvement efforts, the commissioner of the department of employment security may enter into an agreement with the National Association of State Workforce Agencies' Center for Employment Security Education and Research, Inc. (CESER) as agent for the United States Department of Labor

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(USDOL) for participation in the Integrity Data Hub (IDH). The department's participation in IDH and any resulting use of confidential data by USDOL and CESER shall be in accordance with all state laws, federal laws as well as state and federal regulations pertaining to prevention and detection of fraud, waste, and abuse in the unemployment compensation system. The information thus provided by the department to the IDH shall be used solely for administration of state and federal unemployment compensation laws. Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place.

297 New Subdivision; State Commission on Human Rights; Right to Freedom From Discrimination in Public Workplaces and Education. Amend RSA 354-A by inserting after section 28 the following new subdivision:

Right to Freedom from Discrimination in Public Workplaces and Education

354-A:29 Right to Freedom from Discrimination in Public Workplaces and Education.

I. The general court hereby finds and declares that practices of discrimination against any New Hampshire inhabitants because of age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin are a matter of state concern, that discrimination based on these characteristics not only threatens the rights and proper privileges of New Hampshire inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants.

II. Nothing in this subdivision shall be construed to prohibit racial, sexual, religious, or other workplace sensitivity training based on the inherent humanity and equality of all persons and the ideal that all persons are entitled to be treated with equality, dignity, and respect.

III. Nothing in this subdivision shall be construed to limit the academic freedom of faculty members of the university system of New Hampshire and the community college system of New Hampshire to conduct research, publish, lecture, or teach in the academic setting.

354-A:30 Definitions. In this subdivision:

I. "Government program" means any activity undertaken by a public employer, both as an employer and in performance of its government function.

II. "Public employee" means any person working on a full-time or part-time basis for the state, or any subdivision thereof, including, but not limited to counties, cities, towns, precincts, water districts, school districts, school administrative units, or quasi-public entities.

III. "Public employer" includes the state or any subdivision thereof, including, but not limited to counties, cities, towns, precincts, water districts, school districts, school administrative units, or quasi-public entities.

354-A:31 Prohibition on Public Employers. No public employer, either directly or through the use of an outside contractor, shall teach, advocate, instruct, or train any employee, student, service

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1 recipient, contractor, staff member, inmate, or any other individual or group, any one or more of the  
2 following:

3 I. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital  
4 status, familial status, mental or physical disability, religion, or national origin, are inherently  
5 superior or inferior to people of another age, sex, gender identity, sexual orientation, race, creed,  
6 color, marital status, familial status, mental or physical disability, religion, or national origin;

7 II. That an individual, by virtue of his or her age, sex, gender identity, sexual orientation,  
8 race, creed, color, marital status, familial status, mental or physical disability, religion, or national  
9 origin is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

10 III. That an individual should be discriminated against or receive adverse treatment solely  
11 or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital  
12 status, familial status, mental or physical disability, religion, or national origin; or

13 IV. That people of one age, sex, gender identity, sexual orientation, race, creed, color,  
14 marital status, familial status, mental or physical disability, religion, or national origin cannot and  
15 should not attempt to treat others equally and/or without regard to age, sex, gender identity, sexual  
16 orientation, race, creed, color, marital status, familial status, mental or physical disability, religion,  
17 or national origin.

18 354-A:32 Prohibition on the Content of Government Programs and Speech. No government  
19 program shall teach, advocate, or advance any one or more of the following:

20 I. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital  
21 status, familial status, mental or physical disability, religion, or national origin are inherently  
22 superior or inferior to people of another age, sex, gender identity, sexual orientation, race, creed,  
23 color, marital status, familial status, mental or physical disability, religion, or national origin;

24 II. That an individual, by virtue of his or her age, sex, gender identity, sexual orientation,  
25 race, creed, color, marital status, familial status, mental or physical disability, religion, or national  
26 origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

27 III. That an individual should be discriminated against or receive adverse treatment solely  
28 or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital  
29 status, familial status, mental or physical disability, religion, or national origin; or

30 IV. That people of one age, sex, gender identity, sexual orientation, race, creed, color,  
31 marital status, familial status, mental or physical disability, religion, or national origin cannot and  
32 should not attempt to treat others equally and/or without regard to age, sex, gender identity, sexual  
33 orientation, race, creed, color, marital status, familial status, mental or physical disability, religion,  
34 or national origin.

35 354-A:33 Protection for Public Employees. No public employee shall be subject to any adverse  
36 employment action, warning, or discipline of any kind for refusing to participate in any training,  
37 program, or other activity at which a public employer or government program advocates, trains,

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1 teaches, instructs, or compels participants to express belief in, or support for, any one or more of the  
2 following:

3 I. That people of one age, sex, gender identity, sexual orientation, race, creed, color, marital  
4 status, familial status, mental or physical disability, religion, or national origin are inherently  
5 superior or inferior to people of another age, sex, gender identity, sexual orientation, race, creed,  
6 color, marital status, familial status, mental or physical disability, religion, or national origin;

7 II. That an individual, by virtue of his or her age, sex, gender identity, sexual orientation,  
8 race, creed, color, marital status, familial status, mental or physical disability, religion, or national  
9 origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

10 III. That an individual should be discriminated against or receive adverse treatment solely  
11 or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color, marital  
12 status, familial status, mental or physical disability, religion, or national origin; or

13 IV. That people of one age, sex, gender identity, sexual orientation, race, creed, color,  
14 marital status, familial status, mental or physical disability, religion, or national origin cannot and  
15 should not attempt to treat others equally and/or without regard to age, sex, gender identity, sexual  
16 orientation, race, creed, color, marital status, familial status, mental or physical disability, religion,  
17 or national origin.

18 354-A:34 Remedies. Any person aggrieved by an act made unlawful under this subdivision may  
19 pursue all of the remedies available under RSA 354-A, RSA 491, RSA 275-E, or RSA 98-E, or any  
20 other applicable common law or statutory cause of action.

21 298 New Section; Prohibition on Teaching Discrimination. Amend RSA 193 by inserting after  
22 section 39 the following new section:

23 193:40 Prohibition on Teaching Discrimination.

24 I. No pupil in any public school in this state shall be taught, instructed, inculcated or  
25 compelled to express belief in, or support for, any one or more of the following:

26 (a) That one's age, sex, gender identity, sexual orientation, race, creed, color, marital  
27 status, familial status, mental or physical disability, religion or national origin is inherently superior  
28 to people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status,  
29 familial status, mental or physical disability, religion, or national origin;

30 (b) That an individual, by virtue of his or her age, sex, gender identity, sexual  
31 orientation, race, creed, color, marital status, familial status, mental or physical disability, religion,  
32 or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

33 (c) That an individual should be discriminated against or receive adverse treatment  
34 solely or partly because of his or her age, sex, gender identity, sexual orientation, race, creed, color,  
35 marital status, familial status, mental or physical disability, religion, or national origin; or

36 (d) That people of one age, sex, gender identity, sexual orientation, race, creed, color,  
37 marital status, familial status, mental or physical disability, religion, or national origin cannot and

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1 should not attempt to treat others without regard to age, sex, gender identity, sexual orientation,  
2 race, creed, color, marital status, familial status, mental or physical disability, religion, or national  
3 origin.

4 II. Nothing in this section shall be construed to prohibit discussing, as part of a larger  
5 course of academic instruction, the historical existence of ideas and subjects identified in this  
6 section.

7 III. Any person claiming to be aggrieved by a violation of this section, including the attorney  
8 general, may initiate a civil action against a school or school district in superior court for legal or  
9 equitable relief, or with the New Hampshire commission for human rights as provided in RSA 354-  
10 A:34.

11 IV. Violation of this section by an educator shall be considered a violation of the educator  
12 code of conduct that justifies disciplinary sanction by the state board of education.

13 V. For the purposes of this section, "educator" means a professional employee of any school  
14 district whose position requires certification by the state board pursuant to RSA 189:39.  
15 Administrators, specialists, and teachers are included within the definition of this term.

16 299 Severability. If any provision of sections 297-298, or the application of any provision to any  
17 person or circumstance is held to be invalid, the remainder of such sections, and their application to  
18 any other persons or circumstances shall not be affected thereby.

19 300 Effective Date. Sections 297-299 of this act shall take effect upon passage.

20 301 Application of Emergency Orders.

21 I. The state hereby recognizes that the issuance of multiple executive orders may have  
22 created undue hardship or confusion and contributed to the stressful environment for business  
23 operations, particularly small business entities. The penalties associated with violations of these  
24 orders, while issued in the interest of public health, should not unduly penalize law-abiding  
25 businesses.

26 II. Notwithstanding any provision of law to the contrary, state, county, and local  
27 jurisdictions shall not enforce, and shall reverse, any violation of the governor's emergency orders  
28 regarding the COVID-19 pandemic.

29 III. Any business fines issued under executive or emergency orders issued in response to  
30 COVID-19 or in accordance with RSA 4:47 shall be refunded. The governor is hereby authorized to  
31 draw a warrant for up to \$10,000 for this purpose out of any money in the treasury not otherwise  
32 appropriated.

33 IV. The attorney general shall request that the court dismiss any pending enforcement  
34 action related to violation of an emergency order issued by the governor in response to the COVID-19  
35 pandemic.

36 V. Any record of violation or written warning for such violations shall be expunged if  
37 requested in writing, and such records shall not be admissible in any subsequent or future court

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1 proceeding. Notwithstanding the provisions of RSA 651:5, IX, there shall be no charge to the  
2 petitioner for expungement of these records.

3 302 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the  
4 following new sections:

5 437:8-a Animal Records Database Established.

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

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

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

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

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

28 VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the  
29 agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA  
30 435:20, V.

31 437:8-b Confidentiality.

32 I. Information submitted to the animal records database is exempt from public disclosure,  
33 and shall not be subject to discovery, subpoena, or other means of legal compulsion for release.  
34 Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not  
35 affect the disclosure of information used in official local, state, or federal animal health  
36 investigations or pet vendor license investigations under this chapter. Database records,  
37 information, or lists may be made available pursuant to a court order on a case-by-case basis. Any

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1 information, record, or list received pursuant to this paragraph shall not be transferred or otherwise  
2 made available to any other person or listed entity not authorized under this paragraph.

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

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

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

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

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

15 VII. Nothing in this section shall limit the right of a person damaged by a violation to  
16 pursue any other appropriate cause of action.

17 303 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as  
18 follows:

19 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

20 I. For purposes of this chapter, an official certificate of transfer means an electronic record  
21 electronically submitted to the animal records database by a licensed veterinarian, containing the  
22 name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender,  
23 breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or  
24 ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of  
25 communicable diseases or internal or external parasites. A list of all vaccines and medication  
26 administered to the dog, cat, or ferret shall be included in or attached to the certificate. An official  
27 certificate of transfer is distinct from a federal certificate of veterinary inspection and is not  
28 interchangeable with a certificate of veterinary inspection .

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

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

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

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

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

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

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

31           VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
32 without first being protected against infectious diseases using vaccines approved by the state  
33 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
34 unless accompanied by a copy of the official certificate of transfer or official certificate of transfer  
35 waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the  
36 transferred animal is accompanied by a copy of the official certificate of transfer or official certificate  
37 of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall



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1 reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and  
2 the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or  
3 her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it  
4 shall be prima facie evidence of transfer.

5 304 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting  
6 after subparagraph (364) the following new subparagraph:

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

9 305 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend  
10 RSA 435:20 by inserting after paragraph IV the following new paragraph:

11 V. The commissioner shall transfer funds from the agricultural product and scale testing  
12 fund established under RSA 435:20, IV to the animal records database fund established in RSA  
13 437:8-a to develop and make operational the animal records database. The commissioner shall  
14 certify to the secretary of state and the director of the office of legislative services the date on which  
15 the animal records database is operational. For 2 years after such certification, if needed for  
16 database operation and maintenance, the commissioner may continue to transfer additional funds  
17 from the agricultural product and scale testing fund to the animal records database fund for this  
18 purpose.

19 306 Repeal. RSA 435:20, V, relative to the authority of the commissioner of the department of  
20 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund,  
21 is repealed.

22 307 Applicability; Effective Dates.

23 I. Section 303 of this act shall take effect 90 days after the commissioner of the department  
24 of agriculture, markets, and food certifies to the secretary of state and the director of the office of  
25 legislative services that the animal records database established in RSA 437:8-a is operational.

26 II. Section 306 of this act shall take effect 2 years from the date on which the commissioner  
27 of the department of agriculture, markets, and food certifies to the secretary of state and the director  
28 of the office of legislative services, that the animal records database established in RSA 437:8-a is  
29 operational.

30 308 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby  
31 appropriated to the department of agriculture, markets, and food for the maintenance of the animal  
32 records database. These appropriations are in addition to any other funds appropriated to the  
33 department of agriculture, markets, and food. The governor is authorized to draw a warrant for said  
34 sum out of any money in the treasury not otherwise appropriated.

35 309 Position Established. The classified position of IT manager III is established in the  
36 department of information technology to develop and administer the animal records database  
37 established in RSA 437:8-a.

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310 Effective Date.

I. Section 302 of this act shall take effect upon its passage.

II. Section 303 of this act shall take effect as provided in paragraph I of section 307 of this act.

III. Section 306 of this act shall take effect as provided in paragraph II of section 307 of this act.

311 Community College System of New Hampshire; Dual and Concurrent Enrollment Program.  
Amend RSA 188-E:25 through 188-E:29 to read as follows:

188-E:25 Definitions. In this subdivision:

I. ***"CCSNH" means the community college system of New Hampshire.***

II. "Concurrent enrollment" means courses taught at the high school by high school teachers approved by ~~[the community college system of New Hampshire (CCSNH)]~~ **CCSNH** in which high school students earn both high school and college or university credit while students are still attending high school or a career technical education center.

~~III.~~ III. "Dual enrollment" means college courses taught by instructors from ~~[the community college system of New Hampshire (CCSNH)]~~ **CCSNH** in which high school students earn college credit while students are still enrolled in high school or a career technical education center.

188-E:26 Program Established. There is established a dual and concurrent enrollment program in ~~[the department of education]~~ **CCSNH**. Participation in the program shall be offered to high school and career technical education center students in grades 10 through 12. The program shall provide opportunities for qualified New Hampshire high school students to gain access and support for dual and concurrent enrollment in STEM (science, technology, engineering, and mathematics) and STEM-related courses that are fundamental for success in postsecondary education and to meet New Hampshire's emerging workforce needs.

188-E:27 Enrollment Requirements.

I. An interested high school student in grades 10 through 12 may enroll in a course that is designated by ~~[the]~~ CCSNH as part of the dual and concurrent enrollment program.

II. A student in the program shall be provided funding for enrollment in no more than 2 dual or concurrent enrollment courses taken in grade 10, no more than 2 dual or concurrent enrollment courses taken in grade 11, and no more than 2 dual or concurrent enrollment courses taken in grade 12. A student may take more than 2 dual or concurrent enrollment courses per year at his or her own expense.

III.(a) The state shall pay the current rate of concurrent enrollment tuition, which is established at \$150 per course, to the CCSNH institution where a high school or career and technical education student successfully completes the concurrent enrollment course.

(b) The state shall pay the current rate of dual enrollment tuition, which is established at 1/2 the regular cost of the course, to the CCSNH institution where a high school or career and

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1 technical education student successfully completes a dual enrollment course and ~~the~~ CCSNH shall  
2 accept such amount as full payment for course tuition.

3 IV. Each high school should provide a designated individual to serve as the point of contact  
4 on matters related to the program, including but not limited to, student counseling, support services,  
5 course scheduling, managing course forms and student registration, program evaluation, course  
6 transferability, and assisting with online courses. Each high school shall annually notify all high  
7 school students and their parents of dual and concurrent enrollment opportunities.

8 188-E:28 School Board Policy.

9 I. No later than July 1, 2018, the school board of each school district shall develop and adopt  
10 a policy permitting students residing in the district who are in grade 11 or 12 to participate in the  
11 dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with  
12 measurable educational standards and criteria approved by ~~the~~ CCSNH and that meet the same  
13 standard of quality and rigor as courses offered on campus by ~~the~~ CCSNH. The policy shall also  
14 comply with the standards for accreditation and program development established by the National  
15 Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to,  
16 student eligibility criteria, standards for course content, standards for faculty approval, program  
17 coordination and communication requirements, tuition and fees, textbooks and materials, course  
18 grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and  
19 process for renewal of the agreement.

20 II. The department of education and ~~the~~ CCSNH shall develop and approve a model dual  
21 and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a  
22 school district participating in the dual and concurrent enrollment agreement program. The model  
23 agreement shall include standards established by ~~the~~ CCSNH, shall include elements, standards,  
24 and criteria that have been approved by the department of education and CCSNH, and shall serve as  
25 the framework for the development, implementation, and administration of the dual and concurrent  
26 enrollment program in each school district by clearly defining the procedures related to concurrent  
27 and dual enrollment of high school students in college classes. ~~[The department]~~ **CCSNH** shall  
28 further develop guidelines for the program relating to reporting, accountability, and payment of  
29 available funds to ~~the~~ CCSNH.

30 188-E:29 Budget Requests.

31 I. The ~~[commissioner of the department of education]~~ **chancellor of CCSNH, or his or her**  
32 **designee**, shall submit expenditure requests in accordance with RSA [9:4] **9:4-e** to fund the dual and  
33 concurrent enrollment program established in this subdivision.

34 **II. In the event expenditures by CCSNH for the dual and concurrent enrollment**  
35 **program exceed amounts appropriated by the state, the chancellor, or his or her designee,**  
36 **may request the fiscal committee of the general court authorize additional funding.**  
37 **Amounts requested under this paragraph shall be limited to direct program costs and**

1 *shall not include costs relative to program administration. For funds requested and*  
2 *approved, the governor is authorized to draw a warrant from any money in the treasury*  
3 *not otherwise appropriated.*

4 312 Dual and Concurrent Enrollment Program; Appropriation. The sums of \$1,500,000 for the  
5 fiscal year ending June 30, 2022, and \$1,500,000 for the fiscal year ending June 30, 2023, are hereby  
6 appropriated to community college system of New Hampshire for the purpose of funding and  
7 administering the dual and concurrent enrollment program under RSA 188-E:26. This  
8 appropriation shall be in addition to any other funds appropriated to the community college system  
9 of New Hampshire. The governor is authorized to draw a warrant for said sums out of any money in  
10 the treasury not otherwise appropriated. Said appropriation shall not lapse.

11 313 School Building Aid; Annual Grant for Leased Space. Amend the introductory paragraph of  
12 RSA 198:15-hh, I to read as follows:

13 I. The amount of the annual grant for a lease to any school district duly organized, any city  
14 maintaining a school department within its corporate organization, any cooperative school district as  
15 defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1,  
16 shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the  
17 cost of leasing permanent space in a building or buildings not owned by the school district or school  
18 administrative unit which is used for the operation of a high school vocational technical education  
19 program, to the extent approved by the state board of education. For the purposes of this section,  
20 the amount of the annual grant for a lease to a vocational technical education center shall be  
21 calculated in the same manner as a cooperative school district. The amount of the annual grant for a  
22 chartered public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of the  
23 annual lease payment incurred for the cost of leasing space; provided that no annual grant for leased  
24 space provided to a chartered public school in accordance with this section shall exceed [~~\$30,000~~]  
25 **\$50,000** in any fiscal year. The total amount of grants to schools pursuant to this section shall not  
26 exceed the state appropriation for leased space. If the amount appropriated is insufficient therefor,  
27 the appropriation shall be prorated proportionally among the schools eligible for a grant. Such lease  
28 agreements shall be eligible for grants under this section, provided all of the following conditions  
29 apply:

30 314 New Paragraph; Ten Year Plan for Grant Projects. Amend RSA 198:15-a by inserting after  
31 paragraph IV the following new paragraph:

32 V. The department of education shall develop and maintain a 10-year school facilities plan of  
33 potential school building grant projects. Potential projects shall include, but not be limited to,  
34 criteria pursuant to RSA 198:15-c, II(b). The 10-year plan is intended to create a method to identify  
35 and enhance school facilities in a safe, healthy, and efficient manner while providing adequate  
36 learning environments for New Hampshire's students. The 10-year plan shall be updated every  
37 biennium to provide the department a summary of projects and school facility capital expenditures

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1 that are anticipated for the next 10 years. The state board of education shall adopt rules pursuant to  
2 RSA 541-A relative to this paragraph. The plan shall identify new construction, renovation, and  
3 emergency projects, and describe the overall condition of projects contained in the plan.

4 315 New Paragraph; Kindergarten Adequate Education Grants. Amend RSA 198:48-b by  
5 inserting after paragraph II the following new paragraph:

6 III. For the fiscal year ending June 30, 2021, and every fiscal year thereafter, the amount  
7 necessary to fund the grants under this section is hereby appropriated to the department from the  
8 education trust fund established in RSA 198:39. If the balance in the education trust fund is less  
9 than zero, the governor is authorized to draw a warrant for sufficient funds to eliminate such deficit  
10 out of any money in the treasury not otherwise appropriated. The commissioner of the department  
11 of administrative services shall inform the fiscal committee and the governor and council of such  
12 balance. This reporting shall not in any way prohibit or delay the distribution of kindergarten  
13 adequate education grants.

14 316 Appropriation; Department of Education. The sum of \$1,906,313 for the fiscal year ending  
15 June 30, 2021 is hereby appropriated to the department of education for the purpose of funding and  
16 distributing additional adequate education grants under RSA 198:48-b, I and II. Of this  
17 appropriation, \$840,039 shall be for payments for those districts that would have been eligible for  
18 said grants had the provisions of RSA 198:48-b, I and II, been in effect for the fiscal year ending  
19 June 30, 2020. Said appropriation shall be a charge against the education trust fund and shall not  
20 lapse.

21 317 Effective Date. Sections 315 and 316 of this act shall take effect June 30, 2021.

22 318 School Planning Committees; Vacancies. Amend RSA 671:33 to read as follows:

23 671:33 Vacancies.

24 I. Vacancies among members of cooperative or area school planning committees shall be  
25 filled by the moderator for the unexpired term.

26 II.(a) The school board shall fill vacancies occurring on the school board, except as provided  
27 in subparagraph (b), and in all other district offices for which no other method of filling a vacancy is  
28 provided. Appointees of the school board shall serve until the next district election when the voters  
29 of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire  
30 membership of the school board, or if the remaining members are unable, by majority vote, to agree  
31 upon an appointment, the selectmen of the town or towns involved shall appoint members by  
32 majority vote in convention.

33 (b) In a cooperative school district, the remaining school board members representing  
34 the same town or towns as the departed member shall fill a vacancy on the school board, provided  
35 that there are at least 2 such members. ***A member-at- large shall also be included as a***  
36 ***representative of the same town.*** If there are less than 2 remaining members on the cooperative  
37 school board representing the same town or towns as the departed member, or if the remaining

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1 members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or  
2 towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to  
3 fill the vacancy then the cooperative school district moderator shall make the appointment. A  
4 member appointed to fill a vacancy under this subparagraph shall serve until the next district  
5 election when the voters of the district shall elect a replacement for the unexpired term.

6 III. Vacancies in the office of moderator shall be filled by vote at a school meeting or election,  
7 provided that, until a replacement is chosen, the school district clerk shall serve as moderator or  
8 shall appoint a moderator pro tempore.

9 IV. In a cooperative school district, the remaining budget committee members representing  
10 the same town or towns as the departed member shall fill a vacancy on the budget committee,  
11 provided that there are at least 2 such members. ***A member-at-large shall also be included as***  
12 ***a representative of the same town.*** If there are less than 2 remaining members on the budget  
13 committee representing the same town or towns as the departed member, or if the remaining  
14 members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or  
15 towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to  
16 fill the vacancy then the cooperative school district moderator shall make the appointment. If the  
17 vacancy is for the cooperative school board representative to the cooperative school district budget  
18 committee, such vacancy shall be filled by the cooperative school board. A member appointed to fill a  
19 vacancy under this subparagraph shall serve until the next district election when the voters of the  
20 district shall elect a replacement for the unexpired term.

21 319 Appropriation; Department of Transportation.

22 I. There is hereby appropriated to the department of transportation the sum of \$11,000,000  
23 for the biennium ending June 30, 2023, which shall be expended pursuant to this section. The  
24 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
25 otherwise appropriated.

26 II. The sum appropriated in this section shall be allocated as follows:

27 (a) \$5,000,000 for the highway and bridge betterment program established in RSA  
28 235:23-a.

29 (b) \$6,000,000 for the acquisition of fleet vehicles and equipment.

30 320 Effective Date. Appropriation; Department of Education.

31 I. There is hereby appropriated to the department of education the sum of \$30,000,000, for  
32 the fiscal year ending June 30, 2021, for school building aid on new projects under RSA 198:15-a.  
33 This appropriation shall be a charge against the education trust fund and shall not lapse until June  
34 30, 2023.

35 II. The \$50,000,000 cap on school building aid grants for construction or renovation projects  
36 approved by the department of education under RSA 198:15-a, IV shall be suspended for the  
37 biennium ending June 30, 2023.

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1       321 Section 320 of this act shall take effect June 30, 2021.

2       322 Education Tax Revenue; Fiscal Year 2023. For the fiscal year ending June 30, 2023, and  
3 notwithstanding RSA 76:3, the commissioner of the department of revenue administration shall set  
4 the education tax rate at a level sufficient to generate revenue of \$263,000,000 when imposed on all  
5 persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and  
6 RSA 83-F. The education property tax rate shall be effective for tax periods beginning on or after  
7 April 1, 2022. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue  
8 required in this section.

9       323 Supplemental Education Payment; Fiscal Year 2023. The commissioner of education, in  
10 consultation with the commissioner of the department of revenue administration, shall determine if  
11 any municipality's total education grant pursuant to RSA 198:41, including all statewide education  
12 property tax raised and retained locally, is decreased due to the statewide education property tax  
13 reduction in section 322 of this act. Any amounts identified shall be paid to impacted municipalities  
14 pursuant to the distribution schedule under RSA 198:42. The governor is authorized to draw a  
15 warrant from the education trust fund to satisfy the state's obligation under this section.

16       324 Effective Date. Sections 322 and 323 of this act shall take effect July 1, 2021.

17       325 Department of Health and Human Services; Child Care Services. The commissioner of the  
18 department of health and human services shall be responsible for determining, on an ongoing basis  
19 through June 30, 2023, whether there is sufficient funding in account 05-95-42-421110-2977, class  
20 536, to fund employment-related child care services to avoid a wait list. If at any time the  
21 commissioner determines that funding is insufficient, he or she shall, to the extent allowed by  
22 applicable federal regulations, utilize available federal Temporary Assistance to Needy Families  
23 reserve funds to cover the amount of the shortfall. The department shall report quarterly to the  
24 fiscal committee of the general court on any funds expended on employment-related child care  
25 services, including funds budgeted in account 05-95-42-421110-2977 as well as federal Temporary  
26 Assistance to Needy Families funds authorized by this section.

27       326 Statement of Findings. The general court finds that:

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

31           II. Placement of children who are not serious violent offenders in settings other than the  
32 Sununu Youth Services Center (SYSC) complies with The Families First Act, PL 115-123, and the  
33 New Hampshire system of care established pursuant to 2019; 44 (SB 14), which prioritize  
34 community-based treatment of children.

35           III. This act is in furtherance of these goals.

36       327 Appropriation; Department of Health and Human Services; Sununu Youth Services Center.  
37 The sum of \$10,400,000 for the fiscal year ending June 30, 2022 and the sum of \$9,922,157 for the

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fiscal year ending June 30, 2023, are hereby appropriated to the department of health and human services for the purpose of operating the Sununu youth services center as the department transitions to an replacement facility. Of the amount appropriated for the fiscal year ending June 30, 2022, \$9,000,000 shall be state general funds and \$1,400,000 shall be other funds. Of the amount appropriated in the fiscal year ending June 30, 2023, \$9,000,000 shall be state general funds and \$922,157 shall be other funds. Such funds shall not lapse until June 30, 2023. The governor is authorized to draw a warrant for the sums out of any money in the treasury not otherwise appropriated.

328 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2023, prior approval of the fiscal committee of the general court shall be required for any transfer of funds required for the operation of the Sununu youth services center.

329 Findings; Sununu Youth Services Center. The general court finds that the current Sununu youth services center shall be closed no later than March 1, 2023 and the opening of a replacement facility shall occur no later than March 1, 2023.

330 Committee Established.

I. There is established a committee to develop a plan for the closure and replacement of the Sununu youth services center. The members of the committee shall be as follows:

(a) Three members of the house of representatives, each of whom shall be from a standing committee, appointed by the speaker of the house of representatives.

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

II. In addition, the legislative members of the committee shall seek input and expert advice from, but not limited to, the following:

(a) The department of health and human services.

(b) The office of the child advocate.

(c) The Disabilities Rights Center.

(d) The National Alliance on Mental Illness.

(e) New Futures.

(f) Any other group or organization the committee deems necessary.

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

IV. The committee shall develop a plan for the closure and replacement or repurposing of the Sununu youth services center, including cost estimates for the construction and operation of a new facility. The committee's plans shall consider the following:

(a) It may be operated by the department of health and human services.

(b) It shall be designed to meet the unique needs of up to 18 youth at a time who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24,



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1 transfer to superior court, RSA 169-B:32; RSA 651:17-a, service of adult sentence of incarceration at  
2 the youth development center, and 169-A, interstate compact on juveniles.

3 (c) It shall accommodate requirements to separate youth by gender, treatment needs,  
4 court order, safety, and security. The facility shall include 3 separate residential spaces, each  
5 including capacity for up to 6 youth.

6 (d) It shall have capacity to provide services to meet the medical, physical, and  
7 behavioral health needs of all potentially eligible youth.

8 (e) It shall have space for up to 18 beds, including space for flexibility to meet the needs  
9 of all genders, safety and security, crisis stabilization and admissions and discharges.

10 (f) It shall have adequate space to meet the educational needs of all youth potentially  
11 eligible, including youth with special education needs.

12 (g) It shall have adequate space for indoor and outdoor recreation.

13 (h) It shall have the capacity to meet the nutritional needs of all youth.

14 (i) It shall have necessary elements to be architecturally secure and equipped with video  
15 surveillance.

16 (j) The opening of the replacement facility shall be no later than March 1, 2023.

17 V. The committee shall prepare legislation relative to the implementation of the plan  
18 developed in paragraph IV for submission for the 2022 legislative session.

19 VI. The members of the study committee shall elect a chairperson from among the members.  
20 The first meeting of the committee shall be called by the first-named senate member. The first  
21 meeting of the committee shall be held within 30 days of the effective date of this section. Four  
22 members of the committee shall constitute a quorum.

23 VII. The committee shall issue their final report to speaker of the house of representatives,  
24 the senate president, the senate clerk, the house clerk, the governor, and the state library on or  
25 before November 1, 2021 and submit the plan to the joint fiscal committee for approval.

26 331 Department of Health and Human Services; Closed Loop Referral System.  
27 Notwithstanding any other provision of the law to the contrary, there shall be no further expansion  
28 of the "closed loop referral" system by the department of health and human services beyond that  
29 which has been or will be implemented pursuant to the sole source grant agreement to Unite USA  
30 Inc. of Nashua in the amount of \$700,000 dated October 19, 2020. Before the department  
31 undertakes any further utilization of the closed loop referral system beyond that authorized by the  
32 preceding sentence, the legislative oversight committee on health and human services, established in  
33 RSA 126-A:13, shall conduct a comprehensive review of the information intended to be stored in the  
34 master index file or accessed using the master indexes within and between the closed loop referral  
35 system and other interconnected systems. Further, the oversight committee shall assess the privacy  
36 protections and access/release limitations afforded by this system, and the adequacy of the  
37 procedures utilized by the system to insure that persons using it have given informed consent to the

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(“opt-in”) release of their personally identifiable information available through the system of systems. The department shall provide all requested data and information regarding the closed loop referral system and systems with which it is intended to interconnect within one week of the request by the oversight committee. The oversight committee shall report its findings and recommendations, if any, to the legislature, the governor, and the department of health and human services by November 1, 2021. The department of health and human services is prohibited from accessing an individual’s information from the closed loop referral system who is not receiving services funded through a department of health and human services program. Within 48 hours of becoming aware of a data breach, Unite USA Inc. shall begin the process of notification by first class mail to all individuals impacted by the data breach. Any individual whose information is intended to be included in the closed loop referral shall retain the right to opt in to the system on each referral and retain the right to revoke consent to be in the system at any time.

332 American Rescue Plan Act; Unanticipated Revenue. Funds received by municipalities from the American Rescue Plan Act of 2021 may be considered unanticipated revenue under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II-IV whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

333 Salary Schedules. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salary Schedules. The department of administrative services shall develop and implement for the executive branch such salary schedules as authorized by collective bargaining agreements between the state and an employee organization and subject to appropriation. The department shall apply the appropriate salary schedules to all unrepresented employees. The department shall post base salary schedules on its public Internet website.

334 Corrections Officers' Salaries.

I. Effective July 2, 2021, part-time corrections officers and corrections officer corporals shall be compensated in accordance with the salary schedule applicable to full-time corrections officers and corrections officer corporals.

II. Effective July 2, 2021, corrections officer majors shall be compensated in accordance with the salary schedule applicable to corrections officer lieutenants, sergeants and captains.

335 Parking; Concord. The department of administrative services is authorized to spend such funding as appropriated for additional parking for full-time and part-time employees who are assigned to the downtown Concord area and who are not provided a state-provided parking space for their personal vehicle.

336 Compensation for Certain State Officers; Unclassified State Employees; July 2, 2021. RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

I.(a) The following salary ranges shall apply to the following grades:

GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
AA	56,082.00	59,748.00	63,388.00	67,054.00	70,694.00	74,360.00	78,026.00

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1	BB	58,318.00	62,114.00	65,910.00	69,732.00	73,528.00	77,324.00	81,120.00
2	CC	61,022.00	65,000.00	68,978.00	72,982.00	76,960.00	80,938.00	84,942.00
3	DD	64,246.00	68,432.00	72,644.00	76,830.00	81,042.00	85,228.00	89,414.00
4	EE	68,042.00	72,488.00	76,934.00	81,406.00	85,852.00	90,298.00	94,744.00
5	FF	72,748.00	77,506.00	82,264.00	87,048.00	91,806.00	96,564.00	101,322.00
6	GG	78,520.00	83,668.00	88,816.00	93,964.00	99,112.00	104,260.00	109,408.00
7	HH	85,514.00	91,104.00	96,720.00	102,336.00	107,952.00	113,568.00	119,184.00
8	II	90,402.00	96,330.00	102,284.00	108,212.00	114,166.00	120,094.00	126,048.00
9	JJ	95,290.00	101,556.00	107,822.00	114,088.00	120,354.00	126,620.00	132,886.00
10	KK	97,734.00	104,156.00	110,578.00	117,026.00	123,448.00	129,870.00	136,318.00
11	LL	0.00	0.00	0.00	0.00	0.00	0.00	140,634.00
12	MM	0.00	0.00	0.00	0.00	0.00	0.00	145,392.00
13	NN	0.00	0.00	0.00	0.00	0.00	0.00	150,956.00
14	OO	0.00	0.00	0.00	0.00	0.00	0.00	157,482.00
15	PP	0.00	0.00	0.00	0.00	0.00	0.00	165,282.00
16	QQ	0.00	0.00	0.00	0.00	0.00	0.00	174,668.00

17        337 Salary Wages for Councilors and Commissioners; July 2, 2021. RSA 94:1-a, II is repealed  
18 and reenacted to read as follows:

19        II. The salary wages for the positions set forth below shall be as follows commencing July 2,  
20 2021:

21		Maximum
22	Governor's councilors	\$17,732.00
23	Racing and charitable gaming commissioners	\$13,754.00
24	Sweepstakes commission, chairman	\$19,994.00
25	Sweepstakes commission, members	\$11,258.00

26        338 Compensation for Certain State Officers; Unclassified State Employees; July 1, 2022. RSA  
27 94:1-a, I (a) is repealed and reenacted to read as follows:

28        I.(a) The following salary ranges shall apply to the following grades:

29	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
30	AA	56,732.00	60,424.00	64,142.00	67,834.00	71,526.00	75,218.00	78,936.00
31	BB	58,994.00	62,842.00	66,690.00	70,538.00	74,386.00	78,234.00	82,082.00
32	CC	61,724.00	65,754.00	69,784.00	73,814.00	77,844.00	81,874.00	85,904.00
33	DD	65,000.00	69,238.00	73,476.00	77,740.00	81,978.00	86,216.00	90,454.00
34	EE	68,822.00	73,320.00	77,844.00	82,342.00	86,840.00	91,338.00	95,862.00
35	FF	73,580.00	78,416.00	83,226.00	88,062.00	92,872.00	97,682.00	102,518.00
36	GG	79,430.00	84,630.00	89,856.00	95,056.00	100,256.00	105,482.00	110,682.00
37	HH	86,502.00	92,170.00	97,838.00	103,532.00	109,200.00	114,894.00	120,562.00

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1	II	91,442.00	97,448.00	103,454.00	109,460.00	115,492.00	121,498.00	127,504.00
2	JJ	96,408.00	102,726.00	109,070.00	115,414.00	121,758.00	128,102.00	134,446.00
3	KK	98,852.00	105,352.00	111,878.00	118,378.00	124,878.00	131,378.00	137,878.00
4	LL	0.00	0.00	0.00	0.00	0.00	0.00	142,272.00
5	MM	0.00	0.00	0.00	0.00	0.00	0.00	147,082.00
6	NN	0.00	0.00	0.00	0.00	0.00	0.00	152,724.00
7	OO	0.00	0.00	0.00	0.00	0.00	0.00	159,302.00
8	PP	0.00	0.00	0.00	0.00	0.00	0.00	167,206.00
9	QQ	0.00	0.00	0.00	0.00	0.00	0.00	176,696.00

10        339 Salary Wages for Councilors and Commissioners; July 1, 2022. RSA 94:1-a, II is repealed  
11 and reenacted to read as follows:

12            II. The salary wages for the positions set forth below shall be as follows commencing July 1,  
13 2022:

14		Maximum
15	Governor's councilors	\$17,940.00
16	Racing and charitable gaming commissioners	\$13,910.00
17	Sweepstakes commission, chairman	\$20,228.00
18	Sweepstakes commission, members	\$11,388.00

19        340 Department of Justice; Attorney Salaries; July 2, 2021. RSA 94:1-a, I(c) is repealed and  
20 reenacted to read as follows:

21            I.(c) For attorney positions in the department of justice, except for the attorney general and  
22 deputy attorney general, the following shall apply commencing on July 2, 2021:

23		Minimum	Market anchor	Maximum
24		\$54,617		\$126,532
25	Attorney		\$65,838	
26	Assistant attorney general		\$89,682	
27	Senior assistant attorney general		\$110,722	
28	Associate attorney general		\$121,943	

29        341 Department of Justice; Attorney Salaries; July 1, 2022. RSA 94:1-a, I(c) is repealed and  
30 reenacted to read as follows:

31            I.(c) For attorney positions in the department of justice, except for the attorney general and  
32 deputy attorney general, the following shall apply commencing on July 1, 2022:

33		Minimum	Market anchor	Maximum
34		\$55,252		\$128,001
35	Attorney		\$66,603	
36	Assistant attorney general		\$90,723	
37	Senior assistant attorney general		\$112,007	

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1 Associate attorney general \$123,359

2 342 Legislative Employees; July 2, 2021. Legislative employees shall receive 1.16 percent salary  
3 increases effective July 2, 2021, if such increases are approved by the appointing authority.

4 343 Legislative Employees; July 1, 2022. Legislative employees shall receive 1.16 percent salary  
5 increases effective July 1, 2022, if such increases are approved by the appointing authority.

6 344 Judicial Salaries; July 2, 2021. RSA 491-A:1 is repealed and reenacted to read as follows:

7 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

8 Chief justice, supreme court \$183,394

9 Associate justices, supreme court \$177,878

10 Chief justice, superior court and administrative  
11 judges appointed pursuant to supreme

12 court rule 54 \$177,878

13 Associate justices, superior court \$166,825

14 District court justices prohibited  
15 from practice pursuant to

16 RSA 502-A:21 \$166,825

17 Probate judges prohibited from  
18 practice pursuant to RSA 547:2-a \$166,825

19 345 Judicial Salaries; July 1, 2022. RSA 491-A:1 is repealed and reenacted to read as follows:

20 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

21 Chief justice, supreme court \$185,522

22 Associate justices, supreme court \$179,942

23 Chief justice, superior court and administrative  
24 judges appointed pursuant to supreme

25 court rule 54 \$179,942

26 Associate justices, superior court \$168,761

27 District court justices prohibited  
28 from practice pursuant to

29 RSA 502-A:21 \$168,761

30 Probate judges prohibited from  
31 practice pursuant to RSA 547:2-a \$168,761

32 346 Judges; State Employee Health Plan; Application. The cost sharing and plan design for  
33 judges who participate in the health plans offered by the state shall be the same as those for  
34 individuals covered by the collective bargaining agreement between the state of New Hampshire and  
35 the State Employees' Association of New Hampshire, Inc.

36 347 Judicial Employees; July 2, 2021. All unrepresented judicial employees shall receive 1.16  
37 percent salary increases on July 2, 2021.

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348 Judicial Employees; July 1, 2022. All unrepresented judicial employees shall receive 1.16 percent salary increases on July 1, 2022.

349 Appropriations.

I. The following sums are appropriated from the following sources for the purposes of sections 333 -352 of this act for the fiscal year ending June 30, 2022:

FY 2022

All	Liquor	General	Federal	Highway	Turnpike	Fish & Game	Other
\$12,592,000	\$400,000	\$5,750,000	\$1,773,000	\$1,265,000	\$235,000	\$99,000	\$3,070,000

II. The following sums are appropriated from the following sources for the purposes of sections 333-352 of this act for the fiscal year ending June 30, 2023:

FY 2023

All	Liquor	General	Federal	Highway	Turnpike	Fish & Game	Other
\$23,208,000	\$800,000	\$10,250,000	\$3,484,000	\$2,486,000	\$455,000	\$183,000	\$5,550,000

III. The department of administrative services is authorized to make any rounding adjustments of up to +\$.01 per hour as needed to properly process the employee's payroll within the currently designed human resources/payroll system (NH FIRST).

350 Longevity Pay. Amend RSA 94:4 to read as follows:

94:4 Longevity Pay. Any state official who has completed 10 years of service for the state shall be paid, in addition to his or her statutory salary the sum of [~~\$300~~] **\$350** annually and an additional [~~\$300~~] **\$350** for each additional 5 years of state service. Any state official who transfers, without a break in service, to a position in the classified system may transfer all time served for purposes of longevity pay.

351 Longevity Pay for Regular Classified Employees. Amend RSA 99:5 to read as follows:

99:5 Longevity Payment for Regular Classified Employees. Any regular classified employee of the state who has completed 10 years of continuous service for the state other than a law enforcement employee, shall be paid, in addition to the salary to which he or she is entitled by the classification plan, the sum of [~~\$300~~] **\$350** annually and an additional [~~\$300~~] **\$350** for each additional 5 years of continuous state service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit the recipient from receiving the yearly increments to which he or she may be otherwise entitled within his or her classification ranges. Any regular classified employee who transfers, without a break in service, to a position in the unclassified system may transfer all time served for purposes of longevity pay.

352 Longevity Pay for New Hampshire State Troopers. Amend RSA 99:5-a to read as follows:

99:5-a Longevity Payments for New Hampshire State Troopers and State Trooper Command Staff. Any state trooper or eligible state trooper command staff member who has completed 10 years of continuous service for the state shall be paid, in addition to the salary to which he or she is

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entitled by the classification plan, the sum of [~~\$300~~] **\$350** annually and an additional [~~\$300~~] **\$350** for each additional 5 years of continuous law enforcement service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit the recipient from receiving the yearly increments to which he or she may be otherwise entitled within his or her classification ranges. Any state trooper or eligible state trooper command staff member who transfers, without a break in service, to a position in the unclassified system may transfer all time served for purposes of longevity pay.

353 Repeals. The following are repealed:

I. RSA 99:1-b, relative to New Hampshire state trooper salaries.

II. RSA 99:3, relative to increases in salary.

354 Effective Date.

I. Sections 336, 337, 340, 342, 344, and 347 of this act shall take effect July 2, 2021.

II. Sections 338, 339, 341 343, 345 and 348 of this act shall take effect July 1, 2022.

355 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

I. For purposes of this section, "laid off" means any person in a classified position as described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who is laid off between July 1, 2021 and June 30, 2023, as a result of reorganization or downsizing of state government.

II. It is the intent of the general court that any classified position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does not receive a promotion as a result of the rehire.

III. The head of each department or agency shall submit the name and classification of any individual laid off between July 1, 2021 and June 30, 2023, to the director of the division of personnel within 10 days of the layoff.

356 Annual and Sick Leave; Executive Branch. Amend RSA 94:3-a to read as follows:

94:3-a Annual and Sick Leave for Unclassified Legislative Employees ***and Executive Branch Unclassified and Nonclassified Employees.***

I. Annual Leave. All full-time, nonelective unclassified legislative officials and employees shall accumulate annual or biennial leave to the extent authorized for each position by the appointing authority. If, at the time of his separation from service, such an official or employee has credit for unutilized annual leave time, he shall be paid for such time at the same rate he was receiving at the time of his separation.

II. Sick Leave. All full-time, nonelective unclassified legislative officials and employees, shall accumulate sick leave credit to the extent authorized for each position by the appointing

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1 authority. All unutilized sick leave credit shall lapse at the time of separation from service, except  
2 that should such an official or employee die while in service, his estate shall be paid for any  
3 unutilized sick leave credit at the same rate the official or employee was receiving at the time of his  
4 death.

5       III. Transfer of Credit; **Legislative.** Any official or employee who transfers without a break  
6 in service, from the classified service to a full-time, nonelective, unclassified legislative position may  
7 transfer all the days of sick leave credit and annual leave credit that he has accumulated in the  
8 classified service. Any full-time, nonelective unclassified legislative official or employee who  
9 transfers, without a break in service, to the classified service may transfer all the days of sick leave  
10 credit and annual leave credit that he has accumulated in the unclassified service pursuant to this  
11 section. The rate of accrual for all sick and annual leave shall be the same as the rate immediately  
12 prior to the transfer.

13       ***III-a. Transfer of Credit; Executive. Any official or employee who transfers without***  
14 ***a break in service, from the classified service to an unclassified or nonclassified executive***  
15 ***branch position shall retain all annual leave, sick leave, longevity pay, and bonus leave***  
16 ***already accumulated in the classified system. Such leave, longevity pay, and bonus time***  
17 ***shall not be paid out until the employee's cessation of employment and shall be carried***  
18 ***forward if the employee again transfers into the classified service.***

19       IV. The appointing authority may deny compensation to any legislative official or employee  
20 for any annual leave time or sick leave time taken in excess of annual leave time or sick leave time  
21 accumulated pursuant to this section.

22       357 Terminal Pay. RSA 94:9 is repealed and reenacted to read as follows:

23       94:9 Terminal Pay.

24       I. Any full-time state official or employee other than those in the state classified system who  
25 retires, resigns, dies in office, or is terminated as a result of not being reappointed, shall receive  
26 upon such cessation of employment 3 days' salary for each year of employment in nonclassified or  
27 unclassified service.

28       II. Terminal Pay; Leave Time and Longevity Pay. Any full-time state official or employee  
29 other than those in the state classified system who retires, resigns, dies in service, or is terminated  
30 shall receive termination pay that includes any unused annual leave, bonus leave, or longevity pay  
31 accumulated from their service as member of the classified system.

32       III. Terminal Pay; Sick Time. Any full-time state official or employee other than those in  
33 the state classified system who retires shall receive termination pay that includes unused sick leave  
34 accumulated while a member of the classified system. The calculation of such unclassified sick leave  
35 payout shall be according to the calculations of sick leave upon termination of service of a  
36 confidential classified employee as specified in the rules of the division of personnel.



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1           IV. The governor is authorized to draw warrants for the sums necessary to make the  
2 payments under this section, which shall be a charge against the general fund or such special fund  
3 as may be appropriate.

4           358 New Paragraph; Administrative Services; Rulemaking; Executive Branch Employees.  
5 Amend RSA 21-I:14 by inserting after paragraph XVII the following new paragraph:

6           XVIII. Employees serving in executive branch unclassified positions relating to:

7               (a) Annual Leave;

8               (b) Sick Leave;

9               (c) Transfers between positions within the executive branch and across branches of state  
10 government; and

11              (d) Termination and payouts upon termination of employment.

12           359 Report; Executive Branch Employees. The commissioner of the department of  
13 administrative services shall report to the fiscal committee of the general court on the progress of  
14 the adoption of administrative rules under RSA 21-I:14, XVIII, relating to employees serving in  
15 executive branch unclassified positions, not later than April 30, 2022.

16           360 Abolished Positions. All classified full-time positions which were vacant prior to July 1,  
17 2018 and remain vacant as of July 1, 2021 shall be abolished on September 30, 2021. Executive  
18 branch agencies, as defined in RSA 9:1, shall identify such positions using the last vacancy report  
19 from the state human resources system produced before June 30, 2021. Positions on such report  
20 that have been filled as of July 1, 2021, or for which an offer has been extended and accepted, shall  
21 not be abolished. Each executive agency shall prepare a list of positions to be abolished for  
22 submission to the department of administrative services on or before September 1, 2021. For each  
23 position the list shall include the amounts appropriated by fiscal year for salary and benefits and the  
24 source of funds for such appropriations. The department of administrative services shall transfer  
25 the unexpended general fund appropriations for the abolished positions to the salary adjustment  
26 fund in RSA 99:4 and the benefit adjustment account in RSA 9:17-c. The department of  
27 administrative services shall submit a report of the abolished positions and transferred  
28 appropriations to the legislative fiscal committee by December 31, 2021. Individual exceptions to  
29 these provisions may be requested by any department in writing to the governor, and any such  
30 exception granted by the governor shall be transmitted to the fiscal committee of the general court.  
31 This section shall not apply to any positions at the department of health and human services which  
32 the department intends to use toward meeting required budget reductions.

33           361 Appropriation: Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum  
34 of \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the department of  
35 agriculture, markets, and food to fund the cost of care fund established in RSA 437-B:1. The  
36 governor is authorized to draw a warrant for said sums out of any money in the treasury not  
37 otherwise appropriated.

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1        362 Effective Date. Section 361 of this shall take effect on June 30, 2021.

2        363 Department of Agriculture, Markets, and Food; Disease Data Manager; Position  
3 Established; Appropriation.

4            I. There is hereby established with the department of agriculture, markets, and food, a Word  
5 Processor I position. Such position shall enter and compile test data needed to demonstrate to the  
6 USDA that the state is performing adequate testing in order to maintain its status as a TB and  
7 Brucellosis-free state.

8            II. The sum of \$53,000 for the fiscal year ending June 30, 2022, and the sum of \$58,000 for  
9 the fiscal year ending June 30, 2023, are hereby appropriated to the department of agriculture,  
10 markets, and food for the purpose of funding the position in paragraph I. The governor is authorized  
11 to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

12        364 Department of Justice; Positions Established and Reclassified.

13            I. Position Reclassification; Department of Justice. The position of attorney II, position  
14 #14956, transferred to the department of justice in fiscal year 2021 from the department of health  
15 and human services accounting unit 05-95-95-952010-5680 to the department of justice accounting  
16 unit 02-20-20-201010-2620 and fully funded by the department of health and human services, shall  
17 be designated as an unclassified position.

18            II. There is established within the department of justice the unclassified position of  
19 assistant attorney general. The salary for the position shall be set forth in RSA 94:1-c.

20            III. Upon reclassification of the position and appointment of the assistant attorney general,  
21 position #14956 shall be abolished to allow for the transition of its available appropriations into the  
22 unclassified position of assistant attorney general. Funding shall be transferred into the proper  
23 unclassified expenditure class for the civil law accounting unit. The incumbent in the abolished  
24 position shall be offered the opportunity to seek the attorney general's nomination for the  
25 unclassified position of assistant attorney general.

26        365 National Guard Enlistment Incentive Program. The subdivision heading before RSA 160-  
27 B:60 is repealed and reenacted to read as follows:

National Guard Enlistment Incentive Program

29        366 National Guard Enlistment Incentive Program. RSA 110-B:60-62 are repealed and  
30 reenacted to read as follows:

31        110-B:60 New Hampshire National Guard Enlistment Incentive Program Established. For the  
32 purpose of encouraging enlistment in the national guard there is hereby established a New  
33 Hampshire national guard enlistment incentive program. This program authorizes a cash incentive  
34 up to \$500 to current members of the New Hampshire national guard in the pay grades of E-1 to O-3  
35 or any former member of the New Hampshire national guard for each new or prior service recruit  
36 that they bring into the New Hampshire national guard.

37        110-B:61 Revenue for Enlistment Incentive Program.

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1           I. There is hereby established a fund to be known as national guard enlistment incentive  
2 program fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and  
3 any interest earned on the fund shall be used for the purpose of encouraging enlistment in the  
4 national guard and shall not be used for any other purpose. The adjutant general shall oversee  
5 expenditures from the fund. The moneys in the fund shall be nonlapsing.

6           II. In addition to any moneys appropriated, the New Hampshire national guard enlistment  
7 incentive program fund may consist of an annual appropriation, as determined by the general court,  
8 to be awarded in accordance with written policies promulgated by the adjutant general under RSA  
9 110-B:62.

10          110-B:62 Oversight and Administration. The adjutant general shall adopt rules pursuant to  
11 RSA 541-A relative to the administration of the enlistment incentive program and relative to its  
12 execution by the New Hampshire Army and Air National Guard recruiting offices in coordination  
13 with the department of military affairs and veterans services.

14          367 New Subparagraph; National Guard Enlistment Incentive Program Fund. Amend RSA  
15 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

16                   (365) Moneys deposited in the national guard enlistment incentive program fund  
17 established in RSA 110-B:61.

18          368 Reference to National Guard Scholarship Fund Removed. Amend RSA 110-B:55, I to read  
19 as follows:

20           I. Fines may be paid to a military court or to an officer executing its process. The amount of  
21 any fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted  
22 from any pay or allowance due or thereafter to become due them, until said fine is liquidated; or the  
23 same may be collected with lawful costs of collection, as in the case of executions issued in action  
24 founded upon torts. ~~[Fines shall be paid over to the state treasurer and credited to the New~~  
25 ~~Hampshire national guard recruitment and retention scholarship fund under RSA 110-B:60.]~~

26          369 Reference to National Guard Scholarship Fund Removed. Amend RSA 110-B:29 to read as  
27 follows:

28          110-B:29 Use of Armories or Other National Guard Facilities.

29           ~~[I.]~~ All New Hampshire national guard facilities shall be primarily for the military duty,  
30 instruction, and training of the national and state guard and for the storage and maintenance of  
31 military property. Other use of national guard facilities may be authorized by the adjutant general  
32 and shall be governed by rules and regulations promulgated under this section.

33           ~~[II. Rental fees for the use of national guard facilities shall be fixed by the adjutant general~~  
34 ~~and shall be declared as revenue and paid to the adjutant general subject to the provisions of RSA~~  
35 ~~110-B:61.]~~

36          370 Repeal. RSA 110-B:63, relative to the national guard scholarship program, is repealed.

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371 Appropriation: Department of Military Affairs and Veterans Services; National Guard  
Enlistment Incentive Fund. The sum of \$25,000 for the fiscal year ending June 30, 2021 is hereby  
appropriated to the department of military affairs and veterans services to fund the national guard  
enlistment incentive fund established in RSA 110-B:61. Such appropriation shall be nonlapsing.  
The governor is authorized to draw a warrant for said sums out of any money in the treasury not  
otherwise appropriated.

372 Effective Date. Section 371 of this act shall take effect June 30, 2021.

373 Insurance Department; Positions Established.

I. There is established within the insurance department the unclassified position of director  
of life and health. The director of life and health shall be qualified to hold that position by reason of  
education and experience and shall perform such duties and exercise such powers as the  
commissioner may authorize.

II. The salary of the director of life and health shall be determined after assessment and  
review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which  
shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and  
appointment of the director of life and health, position #16733 shall be abolished to allow for the  
transition of this classified position within its available appropriations into the unclassified position  
of director of life and health. Funding shall be transferred into a new expenditure class 011, within  
accounting unit 02-24-24-240010-2520. The incumbent in the abolished position shall be offered the  
position of director of life and health.

III. There is established within the insurance department the position of director of property  
and casualty. The director of property and casualty shall be qualified to hold that position by reason  
of education and experience and shall perform such duties and exercise such powers as the  
commissioner may authorize.

IV. The salary of the director of property and casualty shall be determined after assessment  
and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position  
which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action  
and appointment of the director of property and casualty, position #19998 shall be abolished to allow  
for the transition of this classified position with its available appropriations into the unclassified  
position of director of property and casualty. Funding shall be transferred into a new expenditure  
class 011, within accounting unit 02-24-24-240010-2520. The incumbent in the abolished position  
shall be offered the position of director of property and casualty.

374 Insurance Department; Department Positions. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a director of financial  
regulation, **a director of life and health**, a director of health economics, a director of health care  
analytics, a general counsel, an insurance fraud director, a senior insurance fraud investigator, **a**  
**director of property and casualty**, a property and casualty actuary, a chief property and casualty

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1   actuary, a workers' compensation analyst, a chief life, accident and health actuary, a compliance and  
2   enforcement counsel, a chief financial examiner, a communications director, and a health reform  
3   coordinator, each of whom shall serve at the pleasure of the commissioner. The director of financial  
4   regulation, ***director of life and health***, director of health economics, director of health care  
5   analytics, general counsel, insurance fraud director, senior insurance fraud investigator, ***director of***  
6   ***property and casualty***, property and casualty actuary, chief property and casualty actuary,  
7   workers' compensation analyst, chief life, accident and health actuary, compliance and enforcement  
8   counsel, chief financial examiner, communications director, and health reform coordinator, shall  
9   perform such duties and exercise such powers as the commissioner may authorize.

10       375   Appropriation; Business Finance Authority; Grants to Regional Economic Development  
11   Corporations. The sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2022,  
12   and the sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2023 to the  
13   business finance authority for the purpose of providing equal grants to regional economic  
14   development corporations in furtherance of the objectives set forth in RSA 162-A:1. The governor is  
15   authorized to draw a warrant for said sums out of any money in the treasury not otherwise  
16   appropriated. Funds appropriated to the authority under this section shall be excluded from the  
17   repayment provisions of RSA 162-A:30.

18       376   Appropriation; Affordable Housing Fund. The sum of \$25,000,000 for the fiscal year ending  
19   June 30, 2021, is hereby appropriated to the housing finance authority for deposit in the affordable  
20   housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching  
21   funds for affordable housing. The appropriation shall be in addition to any other funds appropriated  
22   to the housing finance authority. The governor is authorized to draw a warrant for said sum out of  
23   any money in the treasury not otherwise appropriated.

24       377   Effective Date. Section 376 of this act shall take effect June 30, 2021.

25       378   Department of Natural and Cultural Affairs; Bureau of Trails; Grant in Aid.

26       I.   For the biennium ending June 30, 2023 and notwithstanding any provision of law or  
27   administrative rule to the contrary, the limitations on percentages of grant-in-aid administered by  
28   the bureau of trails, division of parks and recreation, for the development and maintenance of OHRV  
29   trails on private, state, federal, or municipal lands for the grant period of June 1, 2021 to May 31,  
30   2022 shall be as follows:

31           (a) 90 percent of the cost of renting equipment required to complete a project.

32           (b) 90 percent of the cost of purchasing trail grooming equipment.

33           (c) 90 percent of the cost of reconditioning trail grooming equipment.

34           (d) 90 percent of the cost of operations for summer trail grading.

35       II.   Except as expressly provided above, all other administrative rules regarding the  
36   administration of this grant in aid program remain in full force and effect.

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1       379 Appropriation; Hampton Beach Area Commission. The sum of \$20,000 for the fiscal year  
2 ending June 30, 2021 is hereby appropriated to the Hampton Beach area commission to be credited  
3 to the Hampton Beach master plan fund under RSA 216-J:5 for the purpose of updating the  
4 environmental components of the master plan. The governor is authorized to draw a warrant for  
5 said sum out of any money in the treasury not otherwise appropriated.

6       380 Effective Date. Section 379 of this act shall take effect June 30, 2021.

7       381 Substance Abuse Enforcement Program; Appropriations.

8       I. The sum of \$618,632 for the fiscal year ending June 30, 2021 is hereby appropriated to the  
9 department of safety. This sum shall be expended as follows:

10           (a) \$180,632 shall be expended for the purpose of funding overtime at the state forensic  
11 laboratory as a result of increased caseloads attributable to narcotics related enforcement and  
12 investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the  
13 biennium ending June 30, 2023.

14           (b) \$438,000 shall be expended for the purpose of funding overtime at the state police for  
15 narcotics related enforcement and investigations, with no more than 50 percent of the appropriation  
16 expended in each fiscal year of the biennium ending June 30, 2023.

17       II. The sum of \$2,526,315 for the fiscal year ending June 30, 2021 is hereby appropriated to  
18 the department of safety to disburse grants to county and local law enforcement agencies for the  
19 purpose of funding overtime costs for county and local law enforcement officers performing law  
20 enforcement activities attributable to the substance abuse enforcement program established in RSA  
21 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the  
22 biennium ending June 30, 2023.

23       III. The governor is authorized to draw a warrant for said sums out of any money in the  
24 treasury not otherwise appropriated.

25       IV. No appropriation made in this section shall lapse until June 30, 2023.

26       382 Effective Date. Section 381 of this act shall take effect June 30, 2021.

27       383 Additional Funding from State Department and Agencies. Amend RSA 604-A:1-c to read as  
28 follows:

29       604-A:1-c Additional Funding From State Departments and Agencies.

30       ***I.*** Every state department, board, institution, commission, or agency which receives general  
31 fund grants or supplemental appropriations outside of the state biennial operating budget for the  
32 purpose of conducting law enforcement activities that may result in increased costs for indigent  
33 defense as determined by the court, shall transfer 5 percent of such funds received to the judicial  
34 council to be used to pay for indigent defense costs resulting from such law enforcement activities.  
35 Payment for expenses of indigent representation under this section shall be made pursuant to RSA  
36 604-A:8.

37       ***II. The department of safety shall transfer 5 percent of any additional funds***

***appropriated for the substance abuse enforcement program established in RSA 21-P:66 to the judicial council to be used to pay for indigent defense costs resulting from such law enforcement activities. Payment for expenses of indigent representation under this section shall be made pursuant to RSA 604-A:8.***

384 Fire Standards and Training and Emergency Medical Services Fund; Appropriation. There is hereby appropriated to the fire standards and training and emergency medical services fund established under RSA 21-P:12-d, the sums of \$300,000 for the fiscal year ending June 30, 2022 and \$300,000 for the fiscal year ending June 30, 2023. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

385 Department of Safety; Appropriation. There is hereby appropriated to the department of safety, division of fire standards and training and emergency medical services, the sums of \$200,000 for the fiscal year ending June 30, 2022 and \$200,000 for the fiscal year ending June 30, 2023. Such sums shall be used for the purpose of funding additional part-time instruction or increasing the tuition discount provided to New Hampshire emergency service personnel for certain programs through administrative rulemaking. Such appropriations shall be a charge against the fire standards and training and emergency medical services fund established pursuant to RSA 21-P:12-d.

386 General Fund Transfer to Highway Fund. The sum of \$50,000,000 for the fiscal year ending June 30, 2022, is hereby appropriated to the highway fund. This appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

387 Appropriation; Department of Transportation. There is hereby appropriated to the department of transportation the sum of \$7,000,000 for the fiscal year ending June 30, 2021, for the purpose of the Conway Bypass right-of-way payback to the federal highway administration, understanding the department will continue to negotiate with the federal highway administration on a specific payback plan. This appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

388 Effective Date. Section 387 of this act shall take effect June 30, 2021.

389 Department of Transportation; Removal of Toll Booths. Notwithstanding any provision of law to the contrary, the commissioner of the department of transportation shall remove the northbound and southbound toll booths on exit 10 on the F.E. Everett turnpike in the town of Merrimack.

390 Effective Date. Section 389 of this act shall take effect January 1, 2022.

391 Department of Transportation; Town of Tilton; Appropriation.

I. The project named Tilton, project number 29753, to reconstruct and re-classify 1.97 miles of Calef Hill Road shall be added to the 10-year transportation improvement plan with engineering totaling \$350,000 in fiscal year 2022 and construction totaling \$2,900,000 for the biennium ending June 30, 2023.

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1           II. There is hereby appropriated \$3,250,000 in the fiscal year ending June 30, 2022, to the  
2 department of transportation for funding the project identified in paragraph I. The governor is  
3 authorized to draw a warrant for said sum out of any money in the treasury not otherwise  
4 appropriated. Amounts appropriated under this section shall not lapse.

5           392 Appropriation; Department of Transportation. There is hereby appropriated to the  
6 department of transportation the sum of \$5,000,000 for the fiscal year ending June 30, 2022 for the  
7 purpose of leveraging federal discretionary grants on transportation projects with required state  
8 cash match. Such appropriation shall not lapse. The governor is authorized to draw a warrant for  
9 said sum out of any money in the treasury not otherwise appropriated.

10          393 Appropriation to the Department of Health and Human Services for Child Welfare  
11 Behavioral Health Services. Lapse Extension. Amend 2019, 346:347 to read as follows:

12          346:347 Appropriation; Department of Health and Human Services; Child Welfare Behavioral  
13 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of  
14 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of  
15 health and human services for the purposes of sections 330-346 of this act. ***The \$13,164,000***  
16 ***appropriation for fiscal year 2021 shall not lapse until June 30, 2022.*** Notwithstanding RSA  
17 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in  
18 this section without prior approval of this fiscal committee of the general court. The governor is  
19 authorized to draw a warrant for said sums out of any money in the treasury not otherwise  
20 appropriated.

21          394 Effective Date. Section 393 of this act shall take effect June 30, 2021.

22          395 Annual Report on State Mental Health Plan; Child Welfare Component. Amend RSA 126-  
23 A:5, XXXIII to read as follows:

24          XXXIII.(a) On or before September 1, 2019, the commissioner shall submit a report on the  
25 New Hampshire 10-year mental health plan of 2018 containing the priorities for implementation of  
26 the plan to the oversight committee on health and human services, established under RSA 126-A:13,  
27 the chairpersons of the house and senate policy committees with jurisdiction over health and human  
28 services matters, the president of the senate, the speaker of the house of representatives, ~~and~~ the  
29 governor, ***and the office of the child advocate established in RSA 21-V.*** The commissioner  
30 shall submit a report on or before September 1, 2020 and annually thereafter on the status of the  
31 implementation of the 10-year mental health plan including, but not limited to, unmet benchmarks  
32 and recommendations for any necessary barrier resolution or necessary adjustments or modifications  
33 to the plan to better serve New Hampshire citizens, to the oversight committee on health and human  
34 services and the chairpersons of the house and senate policy committees with jurisdiction over  
35 health and human services matters. The annual report shall include any recommendations by the  
36 commissioner for legislation as needed or appropriate in achieving important benchmarks in fully  
37 implementing the 10-year mental health plan.



(b) *As part of the annual report required by this paragraph, the commissioner of the department of health and human services, in conjunction with the commissioner of the department of education, shall issue a joint report on the implementation of 2019, 44 (SB 14), relative to child welfare. This portion of the report shall address in detail the implementation status of each section of 2019, 44 (SB 14) and include all information related to progress toward full implementation of a system of care under RSA 135-F. The report shall also address the following:*

- (1) The total cost of children's behavioral health services.*
- (2) The identification of barriers and service gaps in the array of children's behavioral health services, along with a description of efforts and plans to fill those gaps.*
- (3) The availability of mobile crisis and stabilization services in each part of the state and plans to fill any gaps.*
- (4) Changes to statutes, administrative rules, policies, practices, and managed care and provider contracts which will be necessary to fully implement the system of care.*
- (5) Shortfalls in workforce sufficiency affecting full implementation of the system of care as well as efforts and plans for addressing those shortfalls.*
- (6) Numbers of children and youth awaiting services in various categories.*
- (7) Plans to coordinate the system of care with existing efforts addressing early childhood interventions, primary prevention, and primary care integration.*
- (8) Plans to develop and/or coordinate a cross-system assessment tool and data collection system to measure outcomes, including but not limited to status upon exit from the system of care, measured treatment results, recidivism, and other returns to the service system.*

396 Repeal. RSA 135-F:6, relative to reporting requirements on the system of care for children's mental health, is repealed.

397 System of Care for Children's Mental Health; Duties of the Commissioner of Health and Human Services; Reference Change. Amend the introductory paragraph of RSA 135-F:4, II to read as follows:

II. Develop a plan for full establishment and maintenance of a system of care. Such plan shall be reviewed and amended annually. It shall include sufficient detail to allow compliance with the reporting requirements of RSA [135-F:6] **126-A:5, XXXIII**, and shall address at least the following elements:

398 System of Care for Children's Mental Health; Duties of the Commissioner of the Department of Education; Reference Change. Amend the introductory paragraph of RSA 135-F:5, II to read as follows:

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1           II. Develop a plan for full support and participation of the department of education in the  
2 establishment and maintenance of a system of care. Such plan shall be reviewed and amended  
3 annually. It shall include sufficient detail to allow compliance with the reporting requirements of  
4 RSA ~~[135-F:6]~~ **126-A:5, XXXIII**, and shall address at least the following elements:

5           399 Department of Health and Human Services; Contracts and Procurement Unit; Positions  
6 Established. There are hereby established within the department of health and human services for  
7 the biennium ending June 30, 2023, 8 full-time, classified positions in the office of business  
8 operations, contracts and procurement unit.

9           400 Appropriation; Department of Health and Human Services; Contracts and Procurement  
10 Unit. The sum of \$644,260 for the fiscal year ending June 30, 2022, and the sum of \$810,607 for the  
11 fiscal year ending June 30, 2023, are hereby appropriated to the department of health and human  
12 services for the purpose of funding positions in the office of business operations, contracts and  
13 procurement unit. The governor is authorized to draw a warrant for said sums out of any money in  
14 the treasury not otherwise appropriated.

15           401 Duties of the Department of Health and Human Services; Administration of State Food  
16 Stamp Program; Reference to SNAP (Supplemental Nutrition Assistance Program) Added. Amend  
17 RSA 161:2, XIII to read as follows:

18           XIII. Food Stamp Program. Develop and administer a food stamp program within the state,  
19 ***also known as SNAP, the Supplemental Nutritional Assistance Program***, under the  
20 provisions of the Federal Food Stamp Act of 1964, as amended, and in accordance with Federal  
21 Regulations duly promulgated by the United States Department of Agriculture and the United  
22 States Department of Health, Education and Welfare.

23           ***XIII-a. SNAP Incentive Programs. Implement SNAP incentive programs enabling***  
24 ***beneficiaries of the federal Supplemental Nutrition Assistance Program to receive a dollar-***  
25 ***for-dollar match for fresh fruits and vegetables, with an emphasis on locally grown, at***  
26 ***participating farmer's markets, farm stands, mobile markets, community supported***  
27 ***agriculture sites, grocery stores, or other participating direct food retailers.***

28           402 New Paragraph; Department of Health and Human Services; Rulemaking. Amend RSA  
29 161:4-a by inserting after paragraph XI the following new paragraph:

30           XI-a. The implementation of SNAP incentive programs under RSA 161:2, XIII-a.

31           403 Department of Health and Human Services; Appropriation. The sum of \$150,000 for the  
32 biennium ending June 30, 2023 is hereby appropriated to the department of health and human  
33 services for the SNAP incentive programs under RSA 161:2, XIII-a. The governor is authorized to  
34 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

35           404 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as  
36 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as  
37 amended by 2019, 346:61, I, to read as follows:

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1           I. Section 5 of this act shall take effect July 1, ~~2021~~ **2023**.

2           405 New Paragraph; Rulemaking; Exception Added; Cost-of-living Adjustment. Amend RSA  
3 541-A:21 by inserting after paragraph III-a the following new paragraph:

4           III-b. Rules adopted relative to the cost of living adjustment in social security benefits  
5 contained within the Social Services Block Grant program shall be exempt from the provisions of  
6 RSA 541-A:5 through RSA 541-A:14, provided that recipients receive proper notice that the income  
7 level has been adjusted.

8           406 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18, regarding  
9 presumptive eligibility for home and community-based services, shall be suspended for the biennium  
10 ending June 30, 2023.

11          407 Social Security Act Waiver Programs; Committee Established.

12           I. There is established a committee to study achieving parity in reimbursement among  
13 organizations that provide Social Security Act Section 1915(c) waiver programs. The members of the  
14 committee shall be as follows:

15           (a) Two members of the senate finance committee, one of whom shall be from the  
16 majority party and one of whom shall be from the minority party, appointed by the president of the  
17 senate.

18           (b) Two members of the house of representatives finance committee, one of whom shall  
19 from the majority party and one of whom shall be from the minority party, appointed by the speaker  
20 of the house of representatives.

21           II. Members of the committee shall receive mileage at the legislative rate when attending to  
22 the duties of the committee.

23           III.(a) The committee shall examine the issue of achieving parity in reimbursement among  
24 organizations that provide services under Social Security Act Section 1915(c) waiver programs and  
25 the potential solutions and impact of such reimbursement parity on the state and its counties, the  
26 contracting organizations, and clients.

27           (b) The study shall include a comparison between all Social Security Act Section 1915(c)  
28 waiver reimbursements, including reimbursement for providers in the following program areas:  
29 choices for independence, developmental services, in-home support, and acquired brain disorder  
30 services.

31           IV. The committee shall meet in duly noticed public meetings, take testimony when the  
32 committee determines it is appropriate, and may accept and solicit information from any person or  
33 entity the committee deems relevant to its study.

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

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1           VI. The committee shall report its findings and any recommendations for proposed  
2 legislation to the president of the senate, the speaker of the house of representatives, the senate  
3 clerk, the house clerk, the governor, and the state library on or before November 15, 2022.

4           408 Appropriation; Department of Health and Human Services; Transitional Housing Beds.  
5 There is hereby appropriated to the department of health and human services the sum of \$6,000,000  
6 for the fiscal year ending June 30, 2021, which shall be nonlapsing until June 30, 2023, for the  
7 purposes of increasing rates paid for transitional housing beds and for funding new transitional  
8 housing beds for forensic patients and/or patients with complex behavioral health conditions  
9 including those transitioning from the New Hampshire hospital. In addition, any unspent funds  
10 from the appropriation made under 2019, 346:221 may be used for the purposes of this section. The  
11 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
12 otherwise appropriated.

13           409 Effective Date. Section 408 of this act shall take effect June 30, 2021.

14           410 Health and Human Services; State Loan Repayment Program. Of the funds appropriated to  
15 account 05-95-90-901010-7965, Rural Health & Primary Care, class 103 for the biennium ending  
16 June 30, 2021, \$1,533,566 shall not lapse until June 30, 2023 and shall be treated as restricted  
17 revenue for the purpose of funding the state loan repayment program. The department of health  
18 and human services is authorized to accept and expend any matching federal funds for the purposes  
19 of this section without prior approval of the fiscal committee of the general court.

20           411 Effective Date. Section 410 of this act shall take effect June 30, 2021.

21           412 Department of Health and Human Services; Division of Medicaid Services. Any funds  
22 appropriated to activity 05-95-47-470010, division of medicaid services, for the biennium ending  
23 June 30, 2021 shall not lapse until June 30, 2023, and shall be treated as restricted revenue for the  
24 purpose of funding expenditures in account 05-95-47-470010-7948, medicaid care management. The  
25 department of health and human services is authorized to accept and expend any matching federal  
26 funds for the purposes of this section without prior approval of the fiscal committee of the general  
27 court.

28           413 Effective Date. Section 412 of this act shall take effect June 30, 2021.

29           414 Appropriation; Department of Health and Human Services. There is hereby appropriated to  
30 the department of health and human services the sum of \$30,000,000 for the fiscal year ending June  
31 30, 2021 for the purpose of constructing a 24-bed forensic psychiatric hospital. The sum  
32 appropriated shall be nonlapsing, provided that any unexpended amount following construction shall  
33 lapse to the general fund. The governor is authorized to draw a warrant for said sum out of any  
34 money in the treasury not otherwise appropriated.

35           415 Effective Date. Section 414 of this act shall take effect June 30, 2021.

36           416 Waiver/Nursing Facility Payments.

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I. Notwithstanding RSA 167:18-a or any other provision of law to the contrary, any funds appropriated to activity 05-95-48-482010, waiver and nursing facilities, for the biennium ending June 30, 2021 shall not lapse until June 30, 2023, and shall be treated as restricted revenue for the purpose of funding expenditures contained in the operating budget for the fiscal year ending June 30, 2022 in account 05-95-48-482010-2152, waiver/nursing facility payments – county participation. The department of health and human services is authorized to accept and expend any matching federal funds for the purposes of this section without prior approval of the fiscal committee of the general court.

417 Effective Date. Section 416 of this act shall take effect June 30, 2021.

418 Home Visiting Program. Amend RSA 167:68-a to read as follows:

167:68-a Home Visiting Programs. Home visiting programs for children and their families established pursuant to this subdivision shall be made available to all Medicaid eligible ~~children and~~ pregnant women, **infants, and families with children up to age one**, without restriction. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to administering this section.

419 Rulemaking; Home Visiting Program. Amend RSA 167:3-c, XV to read as follows:

XV. Procedures for making the home visiting program available to all Medicaid eligible ~~children and~~ pregnant women, **infants, and families with children up to age one** pursuant to RSA 167:68, II(e).

420 Graduate Medical Education Payments Suspended. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct and indirect graduate medical education payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium ending June 30, 2023. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct and indirect graduate medical education shall be suspended for the biennium ending June 30, 2023.

421 Department of Health and Human Services; Juvenile Diversion; Supplemental Appropriation. The sum of \$300,000 for the fiscal year ending June 30, 2022, and the sum of \$300,000 for the fiscal year ending June 30, 2023 are hereby appropriated to the department of health and human services for the purpose of extending existing grants to the certified juvenile diversion providers who provide diversion services pursuant to RSA 169-B:10. Any unexpended funds remaining from the appropriation made in 2019, 346:371 shall not lapse and may be used for the purposes of this section. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

422 New Paragraph; Delinquent Children; Juvenile Diversion. Amend RSA 169-B:10 by inserting after paragraph II-a the following new paragraph:

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1           II-b. Consistent with the referral procedures established pursuant to paragraph II-a, the  
2 department of health and human services, division for children, youth and families, shall have the  
3 authority establish procedures for the state-funded diversion programs.

4           423 Home Visiting Programs; Limitation. The home visiting programs available to all Medicaid  
5 eligible children and pregnant women as required by RSA 167:68-a, shall be subject and limited to  
6 available appropriations for the biennium ending June 30, 2023.

7           424 Department of Health and Human Services; Income Eligibility for "In and Out Medical  
8 Assistance;" Suspension. Chapter 39:1 Laws of 2020 requiring the department of health and human  
9 services to amend the income standard used for eligibility for the "in and out medical assistance"  
10 policy, shall be suspended for the biennium ending June 30, 2023.

11          425 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For  
12 the biennium ending June 30, 2023, in the event funds appropriated in accounting unit 05-95-47-  
13 0010-7207 Medicaid to schools are insufficient, the department of health and human services may  
14 accept and expend additional federal funds with the prior approval of the fiscal committee of the  
15 general court. Any request to the fiscal committee shall include a detailed explanation of the types  
16 of assistance the department is providing to school districts to ensure eligibility for reimbursement  
17 under the Medicaid to schools program.

18          426 New Hampshire Veterans' Home; Appropriation. The sum of \$80,000 for the fiscal year  
19 ending June 30, 2021 is hereby appropriated to the veterans' home for the purpose of funding the  
20 veterans' home master plan update. The governor is authorized to draw a warrant for said sums out  
21 of any money in the treasury not otherwise appropriated and the appropriation shall not lapse until  
22 June 30, 2023.

23          427 Effective Date. Section 426 of this act shall take effect June 30, 2021.

24          428 Appropriation; Lottery Commission. There is hereby appropriated to the lottery commission  
25 the sum of \$2,715,000 for the biennium ending June 30, 2023 for the purpose of paying the total  
26 principal balance on the commercial mortgage on its headquarters building. This appropriation  
27 shall be a charge to the sweepstakes fund in RSA 284:21-j.

28          429 Governor's Scholarship Fund; Appropriation. The sum of \$6,000,000 for the fiscal year  
29 ending June 30, 2021 is hereby appropriated to the governor's scholarship fund established under  
30 RSA 195-H:12. Such funds shall not lapse. The governor is authorized to draw a warrant for said  
31 sum out of any money in the treasury not otherwise appropriated.

32          430 Effective Date. Section 429 of this act shall take effect June 30, 2021.

33          431 New Chapter; Education Freedom Accounts. Amend RSA by inserting after chapter 194-D  
34 the following new chapter:

CHAPTER 194-E

EDUCATION FREEDOM ACCOUNTS

37          194-E:1 Definitions. In this chapter:

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- 1           I. “Adequate education grant” means the grant calculated under RSA 198:41.
- 2           II. “Curriculum” means the lessons and academic content taught in a specific course,  
3 program, or grade level.
- 4           III. “Department” means the department of education.
- 5           IV. “Education freedom account” or “EFA” means the account to which funds are allocated  
6 by the scholarship organization to the parent of an EFA student in order to pay for qualifying  
7 education expenses to educate the EFA student under this chapter.
- 8           V. “Education service provider” means a person or organization that receives payments from  
9 education freedom accounts to provide educational goods and services to EFA students.
- 10          VI. “Eligible student” means a resident of this state who is eligible to enroll in a public  
11 elementary or secondary school and whose annual household income at the time the student applies  
12 for the program is less than or equal to 300 percent of the federal poverty guidelines as updated  
13 annually in the Federal Register by the United States Department of Health and Human Services  
14 under 42 U.S.C. section 9902(2). No income threshold need be met in subsequent years, provided the  
15 student otherwise qualifies. Students in the special school district within the department of  
16 corrections established in RSA 194:60 shall not be eligible students.
- 17          VII. “EFA student” means an eligible student who is participating in the EFA program.
- 18          VIII. “Full-time” means more than 50 percent of instructional time.
- 19          IX. “Remote or hybrid” shall mean any public school that is not providing instruction in-  
20 person where the student or the educator are both not physically present in the traditional  
21 classroom due to full-time or part-time classroom closure.
- 22          X. “Parent” means a biological or adoptive parent, legal guardian, custodian, or other person  
23 with legal authority to act on behalf of an EFA student.
- 24          XI. “Program” means the education freedom account program established in this chapter.
- 25          XII. “Scholarship organization”, means a scholarship organization approved under RSA  
26 77:G, that administers and implements the EFA Act.
- 27          194-E:2 Program.
- 28          I. The commissioner of the department of education shall transfer to the scholarship  
29 organization the per pupil adequate education grant amount under RSA 198:40-a, plus any  
30 differentiated aid that would have been provided to a public school for that eligible student. The  
31 transfers shall be made in accordance with the distribution of adequate education grants under RSA  
32 198:42.
- 33          II. Parents of an EFA student shall agree to use the funds deposited in their student’s EFA  
34 only for the following qualifying expenses to educate the EFA student:
- 35               (a) Tuition and fees at a private school.
- 36               (b) Tuition and fees for non-public online learning programs.
- 37               (c) Tutoring services provided by an individual or a tutoring facility.

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1 (d) Services contracted for and provided by a district public school, chartered public  
2 school, public academy, or independent school, including, but not limited to, individual classes and  
3 curricular activities and programs.

4 (e) Textbooks, curriculum, or other instructional materials, including, but not limited to,  
5 any supplemental materials or associated online instruction required by either a curriculum or an  
6 education service provider.

7 (f) Computer hardware, Internet connectivity, or other technological services and  
8 devices, that are primarily used to help meet an EFA student's educational needs.

9 (g) Educational software and applications.

10 (h) School uniforms.

11 (i) Fees for nationally standardized assessments, advanced placement examinations,  
12 examinations related to college or university admission or awarding of credits and tuition and/or fees  
13 for preparatory courses for such exams.

14 (j) Tuition and fees for summer education programs and specialized education programs.

15 (k) Tuition, fees, instructional materials, and examination fees at a career or technical  
16 school.

17 (l) Educational services and therapies, including, but not limited to, occupational,  
18 behavioral, physical, speech-language, and audiology therapies.

19 (m) Tuition and fees at an institution of higher education.

20 (n) Fees for transportation paid to a fee-for-service transportation provider for the  
21 student to travel to and from an education service provider.

22 (o) Any other educational expense approved by the scholarship organization.

23 III. The funds in an EFA may only be used for educational purposes in accordance with  
24 paragraph II.

25 IV. EFA funds shall not be refunded, rebated, or shared with a parent or EFA student in  
26 any manner. Any refund or rebate for goods or services purchased with EFA funds shall be credited  
27 directly to the student's EFA.

28 V. Parents may make payments for the costs of educational goods and services not covered  
29 by the funds in their student's EFA. However, personal deposits into an EFA shall not be permitted.

30 VI. Funds deposited in an EFA shall not constitute taxable income to the parent or the EFA  
31 student.

32 VII. An EFA shall remain in force, and any unused funds shall roll over from quarter-to-  
33 quarter and from year-to-year until the parent withdraws the EFA student from the EFA program or  
34 until the EFA student graduates from high school, unless the EFA is closed because of a substantial  
35 misuse of funds. Any unused funds shall revert to the education trust fund established in RSA  
36 198:39 and be allocated to fund other EFAs.



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VIII. Nothing in this chapter shall be construed to require that an EFA student must be enrolled, full- or part-time, in either a private school or nonpublic online school.

IX. A home education program pursuant to RSA 193-A:5 is terminated upon the commencement of a student's participation in an EFA program. A parent shall provide notification pursuant to RSA 193-A:5 when a student starts participating in an EFA program.

194-E:3 Application for an Education Freedom Account.

I. A parent may apply to the scholarship organization to establish an EFA for an eligible student. The scholarship organization shall accept and approve applications for the fall and spring semesters each year and shall establish procedures for approving applications in an expeditious manner.

II. The scholarship organization shall create a standard form that parents can submit to establish their student's eligibility for the EFA program and shall ensure that the application is publicly available and may be submitted through various sources, including the Internet.

III. The scholarship organization shall approve an application for an EFA if:

(a) The parent submits an application for an EFA in accordance with application procedures established by the scholarship organization.

(b) The student on whose behalf the parent is applying is an eligible student.

(c) Funds are available for the EFA.

(d) The parent signs an agreement with the scholarship organization:

(1) To provide an education for the eligible student in the core knowledge domains that include science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music.

(2) Not to enroll the eligible student as a full-time student in their resident district public school while participating in the EFA program.

(3) To provide an annual record of educational attainment by:

(A) Having the student take a nationally-standardized, norm-referenced achievement test and to provide the results to the scholarship organization by the end of each school year which the scholarship organization shall make available to the department as aggregate scores; or

(B) Having the student take the statewide student assessment test pursuant to RSA 193-C:6; or

(C) Maintaining a portfolio including, but not limited to, a log which designates by title the reading materials used; samples of writings, worksheets, workbooks, or creative materials used or developed by the student. The parent shall have a certified teacher or a teacher currently teaching in a nonpublic school, who is selected by the parent, evaluate the student's educational progress upon review of a portfolio and discussion with the parent or student.

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1                   (4) To use the funds in the EFA only for qualifying expenses to educate the eligible  
2 student as established by the EFA program.

3                   (5) To comply with the rules and requirements of the EFA program.

4           IV. The signed agreement between the parent and the scholarship organization shall satisfy  
5 the compulsory school attendance requirements of RSA 193:1.

6           V. The scholarship organization shall annually renew a student's EFA if funds are available.

7           VI. Upon notice to the scholarship organization, an EFA student may choose to stop  
8 receiving EFA funding and enroll full-time in a public school.

9                   (a) Enrolling as a full-time student in the resident district public school shall result in  
10 the immediate suspension of payment of additional funds into the student's EFA. However, an EFA  
11 that has been open for at least one full school year shall remain open and active for the parent to  
12 make qualifying expenditures to educate the student from funds remaining in the EFA. When no  
13 funds remain in the student's EFA, the scholarship organization may close the EFA.

14                   (b) If an eligible student decides to return to the EFA program, payments into the  
15 student's existing EFA may resume if the EFA is still open and active. A new EFA may be  
16 established if the student's EFA was closed.

17       194-E:4 Authority and Responsibilities of the Scholarship Organization. The scholarship  
18 organization shall have the following additional duties, obligations, and authority:

19           I. The scholarship organization shall maintain an updated list of education service providers  
20 and shall ensure that the list is publicly available through various sources, including the Internet.

21           II. The scholarship organization shall provide parents with a written explanation of the  
22 allowable uses of EFA funds, the responsibilities of parents, the duties of the scholarship  
23 organization, and the role of any financial management firms that the scholarship organization may  
24 contract with to administer any aspect of the EFA program.

25           III. The scholarship organization shall ensure that parents of students with disabilities  
26 receive notice that participation in the EFA program is a parental placement under 20 U.S.C. section  
27 1412, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights  
28 that parentally placed students possess under IDEA and any applicable state laws.

29           IV. The scholarship organization shall, in cooperation with the department, determine  
30 eligibility for differentiated aid subject to any applicable state and federal laws.

31           V. The scholarship organization may withhold from deposits or deduct from EFAs an  
32 amount to cover the costs of administering the EFA program, up to a maximum of 10 percent  
33 annually.

34           VI. The scholarship organization shall implement a commercially viable system for payment  
35 of services from EFAs to education service providers by electronic or online funds transfer.

36                   (a) The scholarship organization shall not adopt a system that relies exclusively on  
37 requiring parents to be reimbursed for out-of-pocket expenses, but rather shall provide maximum

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1 flexibility to parents by facilitating direct payments to education service providers. Scholarship  
2 organizations may pre-approve requests for reimbursements for qualifying expenses, including  
3 expenses pursuant to RSA 194-E:2, II, but shall not disperse funds to parents without receipt that  
4 such pre-approved purchase has been made.

5 (b) A scholarship organization may contract with a private institution or organization to  
6 develop the payment system.

7 VII. The scholarship organization may also seek to implement a commercially viable system  
8 for parents to publicly rate, review, and share information about education service providers, ideally  
9 as part of the same system that facilitates the electronic or online funds transfers.

10 VIII. If an education service provider requires partial payment of tuition or fees prior to the  
11 start of the academic year to reserve space for an EFA student admitted to the education service  
12 provider, such partial payment may be paid by the scholarship organization, if funds are available,  
13 prior to the start of the school year in which the EFA is awarded and deducted in an equitable  
14 manner from subsequent quarterly EFA deposits to ensure adequate funds remain available  
15 throughout the school year; but if an EFA student decides not to use the education service provider,  
16 the partial reservation payment shall be returned to the scholarship organization by such education  
17 service provider and credited to the student's EFA.

18 IX. The scholarship organization shall continue making deposits into a student's EFA until:

19 (a) The scholarship organization determines that the EFA student is no longer an  
20 eligible student.

21 (b) The scholarship organization determines that there was substantial misuse of the  
22 funds in the EFA.

23 (c) The parent or EFA student withdraws from the EFA program.

24 (d) The EFA student enrolls full-time in the resident district public school.

25 (e) The EFA student graduates from high school.

26 X. The scholarship organization may conduct or contract for the auditing of individual EFAs,  
27 and shall at a minimum conduct random audits of EFAs on an annual basis.

28 XI. The scholarship organization may make any parent or EFA student ineligible for the  
29 EFA program in the event of intentional and substantial misuse of EFA funds.

30 (a) The scholarship organization shall create procedures to ensure that a fair process  
31 exists to determine whether an intentional and substantial misuse of EFA funds has occurred.

32 (b) If an EFA student is free from personal misconduct, that student shall be eligible for  
33 an EFA in the future if placed with a new guardian or other person with the legal authority to act on  
34 behalf of the student.

35 (c) The scholarship organization may refer suspected cases of intentional and  
36 substantial misuse of EFA funds to the attorney general for investigation if evidence of fraudulent  
37 use of EFA funds is obtained.

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1 (d) A parent or EFA student may appeal the scholarship organization's decision to deny  
2 eligibility for the EFA program to the department.

3 XII. The scholarship organization may bar an education service provider from accepting  
4 payments from EFAs if the scholarship organization determines that the education service provider  
5 has:

6 (a) Intentionally and substantially misrepresented information or failed to refund any  
7 overpayments in a timely manner.

8 (b) Routinely failed to provide students with promised educational goods or services.

9 XIII. The scholarship organization shall create procedures to ensure that a fair process  
10 exists to determine whether an education service provider may be barred from receiving payments  
11 from EFAs.

12 (a) If the scholarship organization bars an education service provider from receiving  
13 payments from EFAs, it shall notify parents and EFA students of its decision as quickly as possible.

14 (b) Education service providers may appeal the scholarship organization's decision to bar  
15 them from receiving payments from the EFA to the department.

16 XIV. The scholarship organization may accept gifts and grants from any source to cover  
17 administrative costs, to inform the public about the EFA program, or to fund additional EFAs.

18 XV. The department shall adopt rules that are necessary for the administration of this  
19 chapter.

20 XVI. The scholarship organization shall adopt policies or procedures that are necessary for  
21 the administration of this chapter. This may include policies or procedures:

22 (a) Establishing or contracting for the establishment of an online anonymous fraud  
23 reporting service.

24 (b) Establishing an anonymous telephone number for fraud reporting.

25 (c) Requiring a surety bond for education service providers receiving more than \$100,000  
26 in EFA funds.

27 (d) Refunding payments from education service providers to EFAs.

28 (e) Ensuring appropriate use and rigorous oversight of all funds expended under this  
29 program.

30 XVII. The scholarship organization shall not exclude, discriminate against, or otherwise  
31 disadvantage any education provider with respect to programs or services under this section based  
32 in whole or in part on the provider's religious character or affiliation, including religiously based or  
33 mission-based policies or practices.

34 194-E:5 Parent and Education Service Provider Advisory Commission.

35 I. There is established the parent and education service provider advisory commission to  
36 assist the scholarship organization by providing recommendations about implementing,  
37 administering, and improving the EFA program.

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1           II. The commission shall consist of 7 members who shall be parents of EFA students or  
2 education service providers and shall represent no fewer than 4 counties in the state. The members  
3 shall be appointed by the director of the scholarship organization and serve at the director's pleasure  
4 for one calendar year after which they may be reappointed. The director of the scholarship  
5 organization, or designee, shall serve as a non-voting chairperson of the commission. The  
6 commissioner of the department of education, or designee, shall serve as a non-voting member of the  
7 commission.

8           III. The scholarship organization may request the commission to meet, in person or  
9 virtually, to review appeals of education service provider denials pursuant to RSA 194-E:4, XI and to  
10 provide a recommendation to the scholarship organization as to whether an education service  
11 provider should be allowed to receive, or continue receiving, payments from EFAs.

12           194-E:6 Requirements for Education Service Providers.

13           I. The scholarship organization may approve education service providers on its own  
14 initiative, at the request of parents, or by notice to the scholarship organization provided by  
15 prospective education service providers.

16           II. A prospective education service provider that wishes to receive payments from EFAs  
17 shall:

18               (a) Submit notice to the scholarship organization that it wishes to receive payments from  
19 EFAs.

20               (b) Agree not to refund, rebate, or share EFA funds with parents or EFA students in any  
21 manner, except that funds may be remitted or refunded to an EFA in accordance with procedures  
22 established by the scholarship organization.

23               (c) Comply with all state and federal anti-discrimination laws.

24           194-E:7 Independence of Education Service Providers.

25           I. Nothing in this chapter shall be deemed to limit the independence or autonomy of an  
26 education service provider or to make the actions of an education service provider the actions of the  
27 state government.

28           II. Education service providers shall be given maximum freedom to provide for the  
29 educational needs of EFA students without governmental control.

30           III. Nothing in this chapter shall be construed to expand the regulatory authority of the  
31 state, its officers, or any school district to impose any additional regulation of education service  
32 providers beyond those necessary to enforce the requirements of the EFA program.

33           IV. Any education service provider that accepts payment from an EFA under this chapter is  
34 not an agent of the state or federal government.

35           V. An education service provider shall not be required to alter its creed, practices,  
36 admissions policy, or curriculum in order to accept payments from an EFA.

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1       194-E:8 Responsibilities of Public Schools and School Districts. A public school, or school  
2 district, that previously enrolled an EFA student shall provide a private school that is also an  
3 education service provider and that has enrolled an EFA student with a complete copy of the ESA  
4 student's school records, in a timely manner, while complying with 20 U.S.C. section 1232g, the  
5 Family Educational Rights and Privacy Act of 1974.

6       194-E:9 Legal Proceedings.

7           I. In any legal proceeding challenging the application of this chapter to an education service  
8 provider, the state bears the burden of establishing that the law is necessary and does not impose  
9 any undue burden on the education service provider.

10          II. No liability shall arise on the part of the scholarship organization or the state or of any  
11 public school or school district based on the award of or use of an EFA pursuant to this chapter.

12          III. If any part of this chapter is challenged in a state court as violating either the state or  
13 federal constitutions, parents of eligible and/or EFA students shall be permitted to intervene as of  
14 right in such lawsuit for the purposes of defending the EFA program's constitutionality. However,  
15 for the purposes of judicial administration, a court may require that all parents file a joint brief, so  
16 long as they are not required to join any brief filed on behalf of any named state defendant.

17          IV. If any provision of this chapter, or the application thereof to any person or  
18 circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this  
19 chapter which can be given effect without the invalid provision or application, and to this end the  
20 provisions of this chapter are declared to be severable.

21       194-E:10 Phase-Out Grants.

22           I. For each school district, the commissioner shall calculate the amount of the reduction in  
23 adequate education grants pursuant to RSA 194-E:2, I for each student receiving an EFA under this  
24 chapter. In the first year of the grant reduction, the commissioner shall calculate 50 percent of the  
25 reduction for each student and shall disburse that amount to the district as a district funding  
26 phaseout grant. In the second year of the grant reduction, the commissioner shall calculate 25  
27 percent of the reduction for each student and shall disburse that amount to the district as a district  
28 funding phase-out grant. All district funding phase-out grants shall be included in the September 1  
29 disbursement required pursuant to RSA 198:42.

30           II. The phase-out grants will terminate for new EFA students receiving an EFA effective  
31 July 1, 2026.

32       194-E:11 Appropriation From Education Trust Fund. The amount necessary to fund any grants  
33 or transfers of funds authorized under this chapter is hereby appropriated to the department from  
34 the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant  
35 from the education trust fund to satisfy the state's obligation under this section. Such warrant for  
36 payment shall be issued regardless of the balance of funds available in the education trust fund. If  
37 the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the

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1 comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The  
2 commissioner of the department of administrative services shall inform the fiscal committee and the  
3 governor and council of such balance. This reporting shall not in any way prohibit or delay the  
4 distribution of any grant or transfer of funds authorized under this chapter.

5 194-E:12 Legislative Oversight Committee Established. There is established an education  
6 freedom savings account oversight committee.

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

8 (a) Two members of the senate, one of whom shall be a member of the majority party  
9 and one of whom shall be a member of the minority party, appointed by the president of the senate.

10 (b) Three members of the house of representatives, one of whom shall be a member of  
11 the majority party and one of whom shall be a member of the minority party, appointed by the  
12 speaker of the house of representatives.

13 II. Members of the committee shall receive mileage at the legislative rate when attending to  
14 the duties of the committee.

15 III. The committee shall monitor the implementation of RSA 194-E, including the impact of  
16 state education funding to local district schools, and make recommendations for any legislative  
17 changes to the education freedom savings account program.

18 IV. The members of the study committee shall elect a chairperson from among the members.  
19 The first meeting of the committee shall be called by the first-named senate member. The first  
20 meeting of the committee shall be held within 45 days of the effective date of this section. Three  
21 members of the committee shall constitute a quorum.

22 V. The committee shall submit a report on or before November 30, 2022, and each year  
23 thereafter, to the general court including findings, recommendations, and any corrective or technical  
24 improvements that the education freedom account program may require.

25 432 Duty of Parent; Compulsory Attendance by Pupil. Amend RSA 193:1, I(g) and (h) to read as  
26 follows:

27 (g) The pupil has been accepted into an accredited postsecondary education program;  
28 ~~[or]~~

29 (h) The pupil obtains a waiver from the superintendent, which shall only be granted  
30 upon proof that the pupil is 16 years of age or older and has an alternative learning plan for  
31 obtaining either a high school diploma or its equivalent.

32 (1) Alternative learning plans shall include age-appropriate academic rigor and the  
33 flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but  
34 are not limited to, such components or combination of components of extended learning opportunities  
35 as independent study, private instruction, performing groups, internships, community service,  
36 apprenticeships, and on-line courses.

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(2) Alternative learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal and at least one parent or guardian of the pupil, and submitted to the school district superintendent for approval.

(3) If the superintendent does not approve the alternative learning plan, the parent or guardian of the pupil may appeal such decision to the local school board. A parent or guardian may appeal the decision of the local school board to the state board of education consistent with the provisions of RSA 21-N:11, III; **or**

***(i) The pupil is enrolled in the education freedom account program pursuant to RSA 194-E and is therefore exempt from this requirement.***

433 Effective Date. Sections 431 and 432 of this act shall take effect 60 days after its passage.

434 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits. ***Nothing in this section shall preclude the Woodsville fire district from maintaining the roads within the precinct at its own expense.***

Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district. ~~[The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.]~~

***Highway block grant funds shall be distributed in accordance with the department of***



1 *transportation formula. Any appropriations to the Woodsville fire district shall be as*  
2 *directed by warrant articles duly voted by the voters present and voting at each annual*  
3 *Haverhill town meeting.*

4       435 Financial Audit Requirement. No later than one year after the effective date of section 434  
5 of this act, the Woodsville fire district shall provide financial audits by a certified public accountant  
6 approved by the department of revenue administration that is compliant with generally accepted  
7 accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources  
8 including state and federal funds, and of all funds expended by the fire district, for each calendar  
9 year commencing January 1, 2015 to the effective date of section 434 of this act, as directed by the  
10 department of revenue administration. The department of revenue administration shall approve the  
11 scope of the audit and shall receive monthly updates from the certified public accountant and the  
12 Woodsville fire district on the status of the audit while it is in progress. The results of the audit  
13 shall be published on the town of Haverhill website within 60 days of delivery by the certified public  
14 accountant to the Woodsville fire district and the department of revenue administration. The audit  
15 shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the  
16 audit incurred by the department of revenue administration shall be in accordance with the  
17 provisions of RSA 21-J:22. The department of revenue administration may levy a fine of \$250 per  
18 day against the Woodsville fire district for every day of noncompliance with section 434 of this act  
19 beyond one year from the effective date of section 434 of this act. The commissioner may waive such  
20 fine at his or her discretion, subject to the good faith efforts of the Woodsville fire district to comply  
21 with all relevant laws and the provisions of section 434 of this act.

22       436 Effective Date. Sections 434 and 435 of this act shall take effect upon its passage.

23       437 Findings.

24       I. On March 13, 2020, the governor signed the first declaration of a state of emergency due  
25 to COVID-19. As of January 1, 2021, this order has been extended 14 times.

26       II. Between March 26, 2020 and June 16, 2020, a “Stay at Home” order had been in-place  
27 under the authority of the governor as measure to prevent the spread of COVID-19. This order  
28 included the closing of schools, prohibited gatherings of 10 or more people, and limited business  
29 operations that were not considered essential.

30       III. Between March and August of 2020, 449 New Hampshire business closed temporarily or  
31 permanently, with 280 remaining closed.

32       IV. New Hampshire began “reopening” on May 11, 2020 with restrictions, some of which  
33 remain in place today and continue to impact the micro enterprise sector, those businesses with  
34 between 1 and 5 employees including the proprietor. According to the Small Business  
35 Administration, Office of Advocacy, there are 25,478 business with between 1-19 employees and  
36 101,795 non-employer businesses.

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1           V. It is incumbent upon the state government to take prompt, proactive, and continuing  
2 action to protect the economic health of New Hampshire communities through building out the  
3 infrastructure and sustainability of micro enterprises.

4           438 New Subdivision; COVID-19 Micro Enterprise Relief Fund. Amend RSA 12-O by inserting  
5 after section 63 the following new subdivision:

6                               COVID-19 Micro Enterprise Relief Fund

7           12-O:64 COVID-19 Micro Enterprise Relief Fund.

8           I. There is established in the office of the state treasurer a fund to be known as the COVID-  
9 19 micro enterprise relief fund. Notwithstanding RSA 4:45, RSA 4:47, RSA 21-P:43, or any other law  
10 to the contrary, to the extent permissible under federal law any federal funds received by the state in  
11 response to the COVID-19 public health emergency may be deposited into the fund.

12           II. Funds shall be disbursed at the discretion of the commissioner to the 10 New Hampshire  
13 regional economic development corporations to be awarded to local or regional micro enterprises.  
14 Each regional development corporation shall be eligible to receive funds. Each regional development  
15 economic council shall be authorized to assess an administrative fee up to 10 percent of the funds  
16 received through the state to manage this grant program. Any regional economic development  
17 corporation that does not award all of the funds received in grants to local micro enterprises shall  
18 return the funds to micro enterprise relief fund at the department of business and economic affairs  
19 for redistribution at the discretion of the commissioner.

20           III. With each award, an agreement for technical assistance shall be put in place between  
21 the regional development corporation, the New Hampshire small business development center, and  
22 the micro enterprise to support the implementation of the funds. Eighteen months after the  
23 implementation of the program, the regional economic development councils will prepare and submit  
24 reports to the commissioner, that include the number of grants and the amounts, and the use of each  
25 grant by the recipient. The commissioner shall compile these reports and submit a compiled report  
26 to the speaker of the house of representatives, the senate president, the house clerk, the senate  
27 clerk, the state library, and the governor.

28           IV. Regional economic development corporations shall award one-time grants to support one  
29 or more areas of need, including development of e-commerce capabilities, upgrading business  
30 practices, or maintaining storefront presence. The regional economic development corporations shall  
31 ensure micro enterprises awarded grants pursuant to this subdivision are provided such assistance  
32 as may be necessary to support implementation of any grants awarded.

33           V. For purposes of this subdivision, "micro enterprise" shall mean an entity with 10 or fewer  
34 employees, including any proprietor, that has been in business prior to March 13, 2020, when the  
35 governor signed the first declaration of a state of emergency due to COVID-19 and that has  
36 demonstrated a financial impact during the COVID-19 public health emergency, such as temporary  
37 closure, reduction in workforce, or loss of revenue of 50 percent or greater when compared to the

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1 same time period during the previous year. Financial statements demonstrating losses, closures, or  
2 reduction in workforce shall be supplied as part of the application process.

3 439 New Subparagraph; Application of Receipts; COVID-19 Micro Enterprise Relief Fund.  
4 Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

5 (365) Moneys deposited into the COVID-19 micro enterprise relief fund established  
6 in RSA 12-O:64.

7 440 Purpose Statement. Independent live venues are important entertainment hubs and  
8 economic multipliers for New Hampshire's local economies. They serve as critical tax bases as  
9 employers and tourism destinations and as revenue generators for neighboring businesses such as  
10 restaurants, hotels, and retail. The cultural impact of New Hampshire's independent live venues is  
11 difficult to calculate and serves as an important draw for young people to the state. Unfortunately,  
12 these businesses were among the first to close as COVID-19 spread across the country, will likely be  
13 the last to reopen, and will take years to recover if they can stay in business at all. Smaller venues  
14 with a capacity of 300 or less are being impacted the most by the COVID-19 economic and public  
15 health crisis. Sections 441-444 of this act provides targeted assistance and long-term planning  
16 support and recognizes the importance of independent live venues to New Hampshire's economy.

17 441 Council on the Arts; Declaration of Policy. Amend RSA 19-A:1 to read as follows:

18 19-A:1 Declaration of Policy. It is hereby found that many of our citizens lack the opportunity to  
19 view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and  
20 ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts  
21 generally. It is hereby further found that, with increasing leisure time, the practice and enjoyment  
22 of the arts are of increasing importance and that the general welfare of the people of the state will be  
23 promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as  
24 a valued means of expanding the scope of our educational programs. ***It is hereby further found***  
25 ***that arts organizations and businesses are important entertainment hubs and economic***  
26 ***multipliers for New Hampshire's local economies. They serve as critical tax bases as***  
27 ***employers and tourism destinations and as revenue generators for neighboring businesses***  
28 ***such as restaurants, hotels, and retail. The cultural impact of New Hampshire's creative***  
29 ***sector is difficult to calculate and serves as an important draw for young people to the***  
30 ***state.*** It is hereby declared to be the policy of the state to join with private patrons and with  
31 institutions and professional organizations concerned with the arts to insure that the role of the arts  
32 in the life of our communities will continue to grow and will play an ever more significant part in the  
33 welfare and educational experience of our citizens. It is further declared that all activities  
34 undertaken by the state in carrying out this policy shall be directed toward encouraging and  
35 assisting rather than in any ways limiting the freedom of artistic expression that is essential for the  
36 well-being of the arts.

37 442 Council on the Arts; Report. Amend RSA 19-A:7 to read as follows:

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1       19-A:7 Reports. The council shall make biennial reports to the governor and council. *The*  
2 *council's strategic plan and biennial report under this section shall address the activities*  
3 *related to the save our granite stages fund created under RSA 19-A:15.*

4       443 New Subdivision; Council on the Arts; Save Our Granite Stages Fund. Amend RSA 19-A by  
5 inserting after section 14 the following new subdivision:

6                               Save Our Granite Stages Fund

7       19-A:15 Save Our Granite Stages Fund. There is hereby established the save our granite stages  
8 fund, which shall be appropriated for fiscal year 2022 to the New Hampshire state council on the  
9 arts for the purpose of providing grants to both non-profit and for-profit live venues that did not  
10 receive a grant from the federal Shuttered Venue Operators (SVO) program, which was established  
11 by Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (P.L. 116-260). The fund  
12 shall be nonlapsing and kept separate and distinct from all other funds. Notwithstanding any other  
13 provision of law, any discretionary federal funds received by the state in response to the COVID-19  
14 public health emergency may be deposited into the fund. In addition to state appropriations, the  
15 council may accept grants, gifts, and donations for deposit in the fund.

16       444 New Subparagraph; Dedicated Funds; Save our Granite Stages Fund. Amend RSA 6:12,  
17 I(b) by inserting after subparagraph (364) the following new subparagraph:

18                       (365) Moneys deposited in the save our granite stages fund under RSA 19-A:15.

19       445 Repeal; 2023. RSA 19-A:15 and RSA 6:12, I(b)(365), relative to the save our granite stages  
20 fund, as inserted by this act, are repealed.

21       446 Effective Date.

22               I. Section 445 of this act shall take effect June 30, 2023.

23               II. Sections 437 through 444 of this act shall take effect upon its passage.

24       447 Department of Health and Human Services; Child Protective Service Worker Positions;  
25 Appropriation.

26               I. The sums of \$727,388 for the fiscal year ending June 30, 2022 and \$779,983 for the fiscal  
27 year ending June 30, 2023 are hereby appropriated to the department of health and human services  
28 for the purpose of funding 10 child protective service worker (CPSW) positions in addition to those  
29 funded by the operating budget. Of the amount appropriated in the fiscal year ending June 30, 2022,  
30 \$519,792 shall be state general funds and \$207,596 shall be federal funds. Of the amount  
31 appropriated in the fiscal year ending June 30, 2023, \$557,376 shall be state general funds and  
32 \$222,607 shall be federal funds. The governor is authorized to draw a warrant for the general fund  
33 share of said amounts out of any money in the treasury not otherwise appropriated.

34               II. If all CPSW positions authorized by paragraph I and the operating budget are filled  
35 during the biennium ending June 30, 2023, the department may request additional funds from the  
36 fiscal committee of the general court to fund up to 12 additional CPSW positions. With the approval  
37 of the fiscal committee of the general court, the amount necessary to fund the additional CPSW

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positions shall be appropriated to the department of health and human services for the biennium ending June 30, 2023. The governor is authorized to draw a warrant for the general fund share of said amount out of any money in the treasury not otherwise appropriated.

448 Department of Health and Human Services; Appropriation. The sum of \$600,000 for the fiscal year ending June 30, 2022 and the sum of \$600,000 for the fiscal year ending June 30, 2023 are hereby appropriated to the department of health and human services, account 05-95-90-902010-7047, for the purpose of funding community collaboration and parental assistance programs. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

449 Appropriation; Department of Military Affairs and Veterans Services; Civil Air Patrol. The sum of \$40,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the department of military affairs and veterans services, accounting unit 02-12-12-120010-2272, civil air patrol. Said appropriation shall not lapse until June 30, 2023 and shall be in addition to any other funds appropriated to the department of military affairs and veterans services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated

450 Effective Date. Section 449 of this act shall take effect June 30, 2021.

451 Department of Energy; Position Transferred. Notwithstanding any provision of law to the contrary, the department of energy shall transfer position #9U141 from accounting unit 02-52-55-550010-1892, Adjudicative Commissioners, to accounting unit 02-52-55-521010-1891, Administrative Support, along with any associated appropriations.

452 House of Representatives; Mileage. Notwithstanding RSA 14:15-a, RSA 14:15-b, or any other law to the contrary, all members of the house of representatives shall, with the approval of the speaker of the house of representatives, be permitted to receive reimbursements for mileage for trips to and from a member's home to Bedford, New Hampshire for the June 24, 2021 house session.

453 Effective Date. Section 452 of this act shall take effect upon its passage and shall apply retroactively to June 24, 2021.

454 Medical Insurance Subsidy Trust Account Review. The office of the legislative budget assistant shall conduct a comprehensive review of the medical insurance subsidy trust account including but not limited to the transfer of funds to and from the New Hampshire retirement system and the state and other former employers, rate setting, trust account record keeping and reporting, compliance with state and federal legislation and other relevant factors as determined by the legislative budget assistant.

455 Nullification of Prior Legislation. SB 85-FN of the 2021 regular legislative session, establishing a broadband matching grant initiative and fund, shall not take effect.

456 Broadband Matching Grant Initiative; Findings and Purpose. The COVID-19 pandemic has shown the absolute necessity for broadband Internet access for all New Hampshire residents for working, education, medicine, social interaction, and other purposes. The pandemic has also shown

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1 gaps in adequate coverage primarily in rural areas of New Hampshire. Increasingly residents are  
2 going to require better access to broadband at a sufficient upload and download speed. A matching  
3 grant that utilizes state and federal funds shall be matched by political subdivision and private  
4 funds is essential to improved broadband access. The general court recognizes that a public-private  
5 partnership is essential to developing broadband access required in New Hampshire.

6 457 New Subdivision; Broadband Matching Grant Initiative; Department of Business and  
7 Economic Affairs. Amend RSA 12-O by inserting after section 60 the following new subdivision:

8 Broadband Matching Grant Initiative

9 12-O:61 Broadband Matching Grant Initiative Established.

10 I. There is hereby established within the department of business and economic affairs a  
11 broadband matching grant initiative, the purpose of which shall be to provide matching grants to  
12 broadband providers, political subdivisions, and communications districts in order to improve  
13 broadband availability across the state. When awarding grants, the department shall take into  
14 consideration broad geographic coverage of broadband services in New Hampshire and participation  
15 of political subdivisions and broadband providers in the grant process that will support business and  
16 residential users.

17 II. Eligible projects shall provide high speed Internet access in unserved areas of the state  
18 that lack access to broadband services, as defined in RSA 38:38, I(f), from at least one broadband  
19 provider.

20 III. Any broadband provider, political subdivision, or communications district formed under  
21 RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project.  
22 Projects under construction at the time of application shall be ineligible. Projects in the planning  
23 stages shall be eligible.

24 12-O:62 Program Guidelines; Rulemaking.

25 I. The department of business and economic affairs shall adopt rules under RSA 541-A,  
26 relative to grant application and distribution procedures.

27 II. The rules shall, at a minimum, include the following:

28 (a) Establishment of a technology-neutral competitive grant process based on objective  
29 criteria.

30 (b) Establishment of a challenge process, with reasonable timelines, through which  
31 information may be provided to the state to ensure that funds are not used to build projects in served  
32 areas or areas where construction has commenced. Projects in planning, design, or terms  
33 negotiations, and not under construction as of January 1, 2021, shall be eligible for funding.

34 (c) A method to ensure an applicant's trade secrets, financial information, and  
35 proprietary information submitted as part of an application are exempt from disclosure under RSA  
36 91-A.

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(d) Establishment of a process that promotes faster service, up to and including gigabit service.

III. The department of business and economic affairs shall ensure that any grants awarded to broadband providers are provided with an appropriate level of consultation with the local governing bodies and a determination that the grants advance the goal of deploying broadband to unserved areas within communities.

IV. Eligible costs for the program shall include, but are not limited to:

(a) Costs associated with access to utility poles and other necessary structures.

(b) Construction of broadband network infrastructure in eligible areas.

(c) Construction of service connections to individual homes or businesses.

(d) Upgrades to existing infrastructure that currently provides service that does not meet the minimum definition of broadband in RSA 38:38, I(c).

(e) All other costs directly attributable to the construction project. In cases where a cost is shared with another ongoing project, shared costs shall be prorated.

(f) Planning costs related to network design and program eligibility.

V. Eligible costs shall not include any operating expenses or other recurring costs.

VI. The broadband provider, political subdivision, or communications district shall provide a minimum of 50 percent of the total cost of the project. Sources of the match may include revenue bonds issued by the political subdivision, bonds issued by the communication district, or private investment by broadband providers either jointly or independently. Sources of the match provided by broadband providers shall not include other federal or state funding awarded specifically to support the expansion of broadband networks.

VII. The department of business and economic affairs shall not, as a condition of an award of grant money, impose any requirement, rate regulation, or other term or condition of service that differs from the applicant's terms or conditions of service in its other service areas.

12-O:63 Broadband Matching Grant Fund.

I. There is hereby established the broadband matching grant fund. The fund shall be kept separate and distinct from all other funds and shall be continually appropriated to the commissioner of the department of business and economic affairs for the purposes of this subdivision. In addition to state appropriations, the department may accept gifts, grants, and donations for deposit into the fund.

II. Any federal funds received by the state for the purposes of expanding or improving Internet access that are not otherwise committed to other programs or required by the federal legislation authorizing the funds shall be deposited into the broadband matching grant fund.

458 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited in the broadband matching grant fund under RSA 12-O:63.

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1       459 Emergency Powers; Notice; Termination at 21 Days. Amend RSA 4:45, I and II to read as  
2 follows:

3       I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-  
4 P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made  
5 disaster of major proportions is imminent or has occurred within this state, and that the safety and  
6 welfare of the inhabitants of this state require an invocation of the provisions of this section. **As**  
7 **soon as practicable, the governor shall notify the speaker of the house of representatives**  
8 **and the senate president of the impending issuance of emergency orders under this section**  
9 **and provide a description of such orders.** The general court shall have the same power to  
10 declare a state of emergency by concurrent resolution of the house and senate. An executive order or  
11 concurrent resolution declaring a state of emergency shall specify the:

- 12               (a) Nature of the emergency;  
13               (b) Political subdivisions or geographic areas subject to the declaration;  
14               (c) Conditions that have brought about the emergency; and  
15               (d) Duration of the state of emergency, if less than 21 days.

16       II.(a) A state of emergency shall terminate automatically 21 days after its declaration unless  
17 it is renewed under the same procedures set forth in paragraph I of this section. The governor may,  
18 by executive order, renew a declaration of a state of emergency as many times as the governor finds  
19 is necessary to protect the safety and welfare of the inhabitants of this state.

20               (b) If the governor finds that maintaining the state of emergency is no longer justified,  
21 the governor shall issue an executive order terminating the state of emergency.

22               (c) ~~[-The legislature may terminate a state of emergency by concurrent resolution~~  
23 ~~adopted by a majority vote of each chamber. The governor's power to renew a declaration of A state~~  
24 ~~of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph;~~  
25 ~~provided, however, that such resolution shall not preclude the governor from declaring a new~~  
26 ~~emergency for different circumstances under paragraph I of this section.]~~ **The legislature may**  
27 **terminate a state of emergency or any emergency order issued thereunder by a majority**  
28 **vote of both the senate and the house of representatives. A majority for this vote shall**  
29 **consist of a majority of members present and voting in each chamber acting separately. A**  
30 **state of emergency shall terminate upon a majority vote of both chambers under this**  
31 **subparagraph;** provided, however, that such [resolution] **vote** shall not preclude the governor from  
32 declaring a new emergency for different circumstances under paragraph I of this section.

33               (d) **Ninety days from the date of declaration of a state of emergency, and every**  
34 **90 days thereafter, the governor shall call, pursuant to Part II, Article 50 of the New**  
35 **Hampshire constitution, and address a joint session of the general court, and shall provide**  
36 **a written copy of the address to all members of both chambers within 5 business days. At**  
37 **such joint session, the legislature shall vote on whether to terminate the state of emergency**



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1 *by concurrent resolution adopted by a simple majority of both chambers acting separately*  
2 *on the following question: "Shall the current state of emergency be terminated?" For*  
3 *purposes of this section, "simple majority" means a majority of members present and voting*  
4 *"yea" in both chambers.*

5 460 New Paragraphs; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45 by  
6 inserting after paragraph III the following new paragraphs:

7 IV. Members of the legislature shall be exempt from any emergency orders that would  
8 infringe on their ability to travel and conduct their business as representatives of the people.

9 V. No federal, private, or other non-state gift, grant, or loan for purposes of emergency  
10 powers of the state which exceeds \$100,000, shall be accepted until such action shall be approved by  
11 the fiscal committee of the general court according to RSA 14:30-a, VI. Under this section, the  
12 governor shall submit an item to the chairperson of the fiscal committee of the general court for  
13 consideration by the fiscal committee. If the fiscal committee of the general court does not accept or  
14 reject the item within 5 business days, the governor may accept and expend the funds without  
15 further action by the fiscal committee.

16 VI. Under circumstances requiring emergency action for the immediate health, safety and  
17 welfare of the citizens of New Hampshire, the governor has the sole authority to accept and expend  
18 funds hereunder. Within 24 hours of the governor's acceptance or expenditure of funds pursuant to  
19 this section, the governor shall notify the senate president, speaker of the house of representatives,  
20 and chair of the fiscal committee of the general court of the acceptance or expenditure of such funds.

21 461 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after  
22 section 43 the following new section:

23 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this  
24 subdivision under a state of emergency to the executive council for informational purposes only  
25 within 30 days of the expenditure, in order to ensure transparency.

26 462 Severability. If any provision of RSA 4:45 as amended by this act is declared  
27 unconstitutional or the applicability thereof to any person or circumstance is held invalid, the  
28 constitutionality of the remainder of RSA 4:45 and the applicability thereof to other persons and  
29 circumstances shall not be affected thereby.

30 462-a Effective Date. Sections 459-462 of this act shall take effect upon its passage.

31 463 Department of Justice; Reductions. In addition to any other required reductions, the  
32 department of justice is hereby directed to reduce state general fund appropriations in accounting  
33 unit 02-20-020-200010-2601 (attorney general) by \$56,101 for the fiscal year ending June 30, 2023.

34 464 New Subdivision; Granite State Paid Family Leave Plan. Amend RSA 21-I by inserting  
35 after section 95 the following new subdivision:

Granite State Paid Family Leave Plan

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1       21-I:96 Granite State Paid Family Leave Plan. There is hereby established the granite state  
2 paid family leave plan, which shall be implemented under this subdivision and as provided in RSA  
3 282-B and RSA 77-E.

4       21-I:97 Purpose and Policy. The purpose of this subdivision is to leverage the purchasing power  
5 and economies of scale available to the state when it is acting as purchaser on behalf of state  
6 employees and to align this purchasing initiative with a business tax incentive in order to make  
7 available to all other public and private employers in the state, on a voluntary basis, advantageously  
8 priced family and medical leave insurance (FMLI) wage replacement benefits. By purchasing FMLI  
9 coverage for state employees through the medium of commercial insurance, by linking that contract  
10 with a contract to make the same coverage available statewide, by acting as premium aggregator for  
11 individuals whose employers do not sponsor such coverage, and by introducing a new business tax  
12 incentive, the state will position itself to create a market for advantageously priced FMLI benefits.  
13 It is the intent of this subdivision to significantly increase the number of employees in the state who  
14 receive FMLI wage replacement benefits. The social benefits of increasing the rate of FMLI coverage  
15 include attracting and retaining workers, including younger workers, to the state, enabling parents  
16 to bond with biological, adopted, or foster children, helping to meet the needs of an aging population,  
17 promoting workplace stability, and enhancing worker retention and productivity. While many larger  
18 employers provide paid FMLI benefits through self-insurance, this is not feasible for most mid-sized  
19 and smaller businesses. The general court therefore finds that it is in the public interest for the  
20 state to strategically use its purchasing power and tax expenditure authority to establish a  
21 marketplace in the state for advantageously priced FMLI wage replacement benefits.

22       21-I:98 Definitions. In this subdivision:

23           I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

24           II. "Commissioner" means the commissioner of the department of administrative services.

25           III. "Department" means the department of administrative services.

26           IV. "Family and medical leave" means leave from work:

27               (a) Because of the birth of a child of the employee, within the past 12 months;

28               (b) Because of the placement of a child with the employee for adoption or fostering  
29 within the past 12 months;

30               (c) Because of a serious health condition of a family member; or

31               (d) Because of any qualifying exigency arising from foreign deployment with the armed  
32 forces, or to care for a service member with a serious injury or illness as permitted under the federal  
33 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)-  
34 (8), as they existed on October 19, 2017, for family members as defined in paragraph VI.

35           V. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of  
36 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

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1 VI. "Family member" means a "child" as defined in paragraph I, a biological, adoptive, or  
2 foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a  
3 biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner.

4 VII. "FMLI" means family and medical leave insurance providing wage replacement benefits  
5 under specified conditions.

6 VIII. "Serious health condition" means any illness of a family member covered by the Family  
7 and Medical Leave Act including treatment for addiction as prescribed by a treating clinician,  
8 consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental  
9 health condition, consistent with American Psychiatric Association criteria.

10 IX. "State rate" means the per employee premium amount that is charged by the successful  
11 bidder for the state contract for FMLI coverage for state government employees as provided in this  
12 subdivision. The state rate shall be expressed as a percentage of wages.

13 21-I:99 Contracting and Administrative Authority.

14 I. The commissioner may solicit information about, seek proposals for, negotiate, enter into,  
15 and administer group insurance contracts with duly authorized accident and life insurance carriers  
16 as necessary and appropriate to provide to qualifying state employees, at state expense and at no  
17 cost to such employees, an FMLI plan of wage replacement as described in this subdivision. The  
18 provision of this coverage shall be considered a matter of legislatively established public policy that  
19 is designed to benefit all employers and employees in the state and that is "confined exclusively to  
20 the public employer by statute" as provided in RSA 273-A:1, XI and shall not be subject to collective  
21 bargaining. Nothing in this subdivision shall be construed to invalidate any portion of a collective  
22 bargaining agreement entered into by the state.

23 II. The state shall provide to all permanent state employees wage replacement coverage for  
24 qualified leave, which shall be available for the same types of leave as protected under the Family  
25 and Medical Leave Act except leave for a health condition of the employee. This shall include leave  
26 for:

- 27 (a) The birth of a child and the care of the newborn child within one year of birth;  
28 (b) The placement with the employee of a child for adoption or foster care and the care of  
29 the newly placed child within one year of placement;  
30 (c) Caring for the employee's spouse, child, or parent who has a serious health condition;  
31 or  
32 (d) Any qualifying exigency arising out of the fact that the employee's spouse, child, or  
33 parent is a covered military member on covered active duty, or caring for a covered service-member  
34 with a serious injury or illness if the eligible employee is the service-member's spouse, child, parent,  
35 or next of kin.

36 III. Subject to any changes authorized under RSA 21-I:103, the wage replacement benefits  
37 under this FMLI plan shall be structured as follows:

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1 (a) Eligible employees shall receive 60 percent of their average weekly wage.

2 (b) The maximum duration of wage replacement shall be 6 weeks per year, with no  
3 minimum duration required.

4 (c) Wages used to determine the 60 percent FMLI coverage shall be capped at the  
5 amount of the Social Security taxable wage maximum as amended from time to time.

6 IV. Except as provided in RSA 21-I:100, III regarding individual pool coverage, the  
7 commissioner shall establish, through his or her discretionary authority in administering the  
8 request for information and the request for proposals process, the following additional elements of  
9 the benefit structure consistent with the purposes and policy of this subdivision:

10 (a) The base period by which the average weekly wage shall be determined.

11 (b) The tenure requirement, expressed in terms of months of work, before an employee is  
12 eligible to be covered provided, however, that no tenure requirement shall apply to an employee who  
13 has already met the requirement and then changes jobs.

14 (c) A waiting period or elimination period provided, however, that a waiting or  
15 elimination period shall not be a required element of the benefit structure, and the commissioner  
16 shall have authority to implement a plan with no such requirement.

17 21-I:100 State Employee Coverage Linked to Coverage Offerings for Other Employers and for  
18 Individual Employees. The commissioner shall include in the request for proposals for FMLI  
19 benefits for state employees a requirement that the winning bidder shall, as a condition of the state  
20 contract, also offer the same FMLI coverage to other public employers, private employers with more  
21 than 50 employees, and individual employees on the following terms:

22 I. Private and public non-state employers shall receive a rate that is derived from the state  
23 rate through the application of rating factors that are actuarially justified and specified in the bid  
24 response.

25 II. Employers with more than 50 employees who choose to sponsor coverage for their  
26 employees shall contract directly with the winning bidder.

27 III. Individuals who work for employers who choose not to offer FMLI coverage under this  
28 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI  
29 benefit that is at least equivalent to the granite state paid family leave plan shall have the  
30 opportunity to contract indirectly with the winning bidder through the purchasing pool for family  
31 and medical leave insurance authorized under RSA 282-B and administered by the department of  
32 employment security. The pool may be experience rated. Coverage through the pool shall include a  
33 7-month waiting period, a one-week elimination period, and a 60-day annual open enrollment period  
34 as established by the commissioner in the procurement process. Premiums for individual pool  
35 coverage shall not exceed \$5 per subscriber per week.

36 IV. The commissioner shall establish, through his or her discretionary authority in  
37 administering the request for information and the request for proposals process, the following

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1 additional elements of the benefit structure and plan administration specifically for employees of  
2 sponsoring non-state employers consistent with the purposes and policy of this subdivision:

- 3 (a) The minimum participation requirement.
- 4 (b) The parameters for open enrollment periods.
- 5 (c) Procedures for contributory plans, partially contributory plans, and non-contributory  
6 plans.
- 7 (d) Procedures for payroll deduction and premium remittance for employers with more  
8 than 50 employees.

9 21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state  
10 employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no  
11 cost to their employees or on a contributory or partially contributory basis.

12 21-I:102 Procurement Process. The commissioner may issue a request for information or a  
13 request for proposals to secure FMLI coverage for all eligible employees of the state of New  
14 Hampshire and to make advantageously priced coverage available to all other private employers  
15 with more than 50 employees and public employers in the state as provided in this subdivision. The  
16 department, the department of employment security, and the department of insurance shall jointly  
17 evaluate the proposals received in response to the request for proposals. The department shall  
18 contract with an insurance carrier or carriers to provide FMLI coverage. The contract with the  
19 winning bidder shall be subject to governor and council approval. The selected insurance carrier  
20 shall be licensed by the state of New Hampshire and in good standing. The selected insurance  
21 carrier shall be subject to all applicable insurance laws and regulations of the state of New  
22 Hampshire, and the rates and forms for the FMLI contracts shall be filed for approval with the  
23 insurance commissioner.

24 21-I:103 Commissioner Discretion to Adjust Initial FMLI Benefit Structure. In exercising  
25 authority under this subdivision to contract for FMLI coverage for state employees and also for the  
26 availability of advantageously priced FMLI coverage for employees of all non-state employers, the  
27 commissioner shall have discretionary authority in initiating this program to make changes to the  
28 benefit structure of the FMLI plan under RSA 21-I:99, III and may retain a consulting actuary or  
29 other benefit advisors in support of this discretionary determination. This discretionary authority  
30 shall be exercised in consideration of the stated purposes and policy goals of this subdivision and of  
31 the counsels of the FMLI advisory board established in RSA 21-I:104. Any such changes made under  
32 this paragraph shall be subject to approval by the governor and council and the legislative fiscal  
33 committee prior to implementation and shall be offered by the legislative fiscal committee as an  
34 amendment to this subdivision in the next regular session of the general court.

35 21-I:104 Family and Medical Leave Insurance Advisory Board. There is hereby established the  
36 family and medical leave insurance advisory board, which shall be administratively attached to the  
37 department, and which shall hereinafter be called the FMLI advisory board. The FMLI advisory

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board shall consist of 9 members to be appointed, with the exception of the legislative members, by the governor. Three of the appointees shall be persons who, because of their vocations, employment, or affiliations, shall represent employers; 3 shall be persons who, because of the vocations, employment, or affiliations, shall represent employees; one shall be a senator appointed by the senate president; one shall be a representative appointed by the speaker of the house of representatives; the remaining appointee, who shall be appointed as chairman, shall be a person whose training and experience qualify her or him to successfully resolve the problems of FMLI procurement, eligibility, benefit design, and program administration. The advisory board shall meet no later than 45 days after each calendar quarter and aid the commissioner in formulating policies and discussing problems related to the implementation and administration of this subdivision and RSA 282-B and in assuring impartiality and freedom from political influence in the solution of such problems. Advisory board meetings shall provide opportunity for public comment.

21-I:105 Report and Outreach.

I. Working in coordination with the commissioner of administrative services as provided in RSA 282-B:6, I, the department shall produce, on an annual basis, a summary report on the granite state paid family leave plan. This report shall be made public and delivered to the governor, the senate president, and the speaker of the house of representatives. It shall include, but not be limited to, a description of progress in carrying out the processes contemplated under this subdivision, progress in improving the rate of FMLI coverage of employees in the state, and recommendations for more fully achieving the purposes and policy goals of this subdivision.

II. Working in coordination with the department of employment security as provided in RSA 282-B:6, II, the department shall develop and implement an outreach program to ensure that employers who might benefit from sponsoring FMLI coverage for their employees and individuals who may be eligible to receive FMLI coverage under this subdivision are made aware of this program. Outreach information shall explain in an easy to understand format, eligibility requirements, benefit structures, and the process for accessing coverage, enrolling individuals, and qualifying for the business tax credit provided for in RSA 77-E:3-d.

21-I:106 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed necessary for the implementation of this chapter.

21-I:107 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the general fund to the department of administrative services for payment of the administrative and implementation costs associated with this chapter.

21-I:108 Program Start-up. The request for proposals for FMLI coverage as described in this subdivision shall be issued no later than March 31, 2022. The FMLI coverage shall be in place for state government employees and available for purchase by other public and private employers with more than 50 employees and individuals by January 1, 2023.

465 Insurance; Allocation of State Premium Tax. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in ~~[subparagraph (b)]~~ **subparagraphs (b) and (c)**, the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-AA shall be deposited into the New Hampshire granite advantage health care trust fund established in RSA 126-AA:3. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire granite advantage health care trust fund no later than 30 days after receipt of said taxes. The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA.

11 (c) Taxes imposed on premiums written by duly authorized insurance  
12 companies for family and medical leave insurance written in connection with the  
13 administration of RSA 21-I:96 through RSA 21-I:108 or RSA 282-B shall be deposited into  
14 the FMLI premium stabilization trust fund established in RSA 282-B:5. The commissioner  
15 shall notify the state treasurer of sums for deposit into the FMLI premium stabilization  
16 trust fund no later than 30 days after receipt of said taxes.

17           466 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by  
18   inserting after chapter 282-A the following new chapter:

19 CHAPTER 282-B  
20 PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

21       282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism  
22 whereby individuals who work for employers with more than 50 employees who do not to offer either  
23 family and medical leave insurance (FMLI) coverage under the granite state paid family leave plan  
24 as authorized under RSA 21-I:96 through RSA 21-I:108 or an FMLI benefit that is at least  
25 equivalent to such coverage will have the opportunity to purchase granite state paid family leave  
26 plan coverage through a mechanism established by the state in conjunction with the state  
27 government employee FMLI plan.

28            282-B:2 Definitions. In this chapter:

- I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
- II. "Commissioner" means the commissioner of the department of employment security.
- III. "Department" means the department of employment security.
- IV. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as provided in RSA 282-A:9.
- V. "Employment" means wages paid for services by an employer that is covered by this chapter.
- VI. "Family and medical leave" means leave from work:
- (a) Because of the birth of a child of the employee, within the past 12 months;

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1 (b) Because of the placement of a child with the employee for adoption or fostering  
2 within the past 12 months;

3 (c) Because of a serious health condition of a family member; or

4 (d) Because of any qualifying exigency arising from foreign deployment with the armed  
5 forces, or to care for a service member with a serious injury or illness as permitted under the federal  
6 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)  
7 through (8), as they existed on October 19, 2017, for family members as defined in paragraph VIII.

8 (e) A serious health condition of the employee that isn't related to employment and their  
9 employer does not offer Short Term Disability insurance.

10 VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of  
11 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

12 VIII. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or  
13 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster  
14 grandparent or step grandparent, or a spouse or domestic partner.

15 IX. "FMLI" means family and medical leave insurance providing wage replacement benefits  
16 under specified conditions.

17 X. "Individual Pool" means the pooled purchasing mechanism established in this chapter for  
18 the purpose of providing individual employees of employers who do not sponsor qualifying FMLI  
19 coverage the option to purchase such coverage on an individual basis.

20 XI. "Serious health condition" means any illness covered by the federal family and medical  
21 leave act including treatment for addiction as prescribed by a treating clinician, consistent with  
22 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,  
23 consistent with American Psychiatric Association criteria.

24 282-B:3 Employer and Employee Rights and Responsibilities.

25 I. Individuals who are employed by private employers with more than 50 employees who do  
26 not offer either FMLI coverage under the granite state paid family leave plan under RSA 21-I:96 -  
27 RSA 21-I:108 or an FMLI benefit that is at least equivalent to such coverage will have the  
28 opportunity to purchase granite state paid family leave plan coverage through the individual pool.  
29 The individual pool shall operate by payroll deduction for employees of employers with more than 50  
30 employees whereby premiums are paid into an FMLI premium fund administered by the department  
31 as provided in this chapter and established in coordination with the commissioner of administrative  
32 services under RSA 21-I:96 through RSA 21-I:108.

33 II. Individuals employed by employers with more than 50 employees opting into the  
34 individual pool shall be required to make their premium remittances by payroll deduction. All  
35 private employers with more than 50 employees who have employees who have individually opted  
36 into this pooled purchasing mechanism shall remit FMLI premium payments to the department in a  
37 manner as directed by the commissioner.



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1           III. Employers with fewer than 50 employees who wish to purchase FMLI coverage through  
2 the granite state paid family leave plan shall have the opportunity to purchase such coverage by  
3 making premium remittances into an FMLI premium fund administered by the department as  
4 provided in this chapter and established in coordination with the commissioner of administrative  
5 services acting pursuant to RSA 21-I:96.

6           282-B:4 FMLI Premium Fund Established. There is established the FMLI premium fund for  
7 deposits of insurance premium payments paid pursuant to RSA 282-B:3 and for remittance of such  
8 premiums to the FMLI carrier or carriers participating in the twin state voluntary leave plan. The  
9 department shall develop standard enrollment procedures in coordination with participating carriers  
10 and shall transmit enrollment and eligibility information to such carriers on a timely basis. The  
11 department shall establish procedures and mechanisms for the billing and collection of premiums  
12 from employers. The department shall specify in contracts with participating carriers how all  
13 premiums shall be transmitted and the frequency of that transmission and how penalties and grace  
14 periods on late payments of premiums shall be calculated. The department may contract with  
15 qualified, independent vendors for the services necessary to carry out some or all of the duties under  
16 this paragraph.

17           282-B:5 FMLI Premium Stabilization Trust Fund Established.

18           I. There is established the FMLI premium stabilization trust fund which shall be held and  
19 accounted for separately from all other funds. Interest, dividends, and other earnings of the fund  
20 shall be added to the fund. Deposits into the fund shall be limited exclusively to:

21           (a) Premium taxes imposed on premiums written by duly authorized insurance  
22 companies for family and medical leave insurance written in connection with the administration of  
23 RSA 21-I:96 through RSA 21-I:108 or RSA 282-B as provided in RSA 400-A:32, III(c); and

24           (b) Gifts, grants, and donations. The moneys in the fund shall not be subject to any  
25 state taxes and shall not be subject to any federal taxes to the extent allowed by applicable federal  
26 law.

27           II. The moneys in the fund shall constitute a premium stabilization reserve and shall be  
28 used exclusively for the purpose of assuring that the premiums charged to participants in the  
29 individual pool remain stable from year to year and do not exceed 5 dollars per subscriber per week.  
30 The fund shall be administered by the commissioner, who shall be authorized to make such periodic  
31 payments to participating FMLI carriers as are necessary to meet the purposes of this paragraph.  
32 The department is authorized to contract with qualified, independent vendors for the services  
33 necessary to carry out some or all of the duties under this paragraph.

34           282-B:6 Report and Outreach.

35           I. Working in coordination with the commissioner of administrative services as provided in  
36 RSA 21-I:105, I the department shall produce, on an annual basis, a summary report on the granite  
37 state paid family leave plan. The report shall be made public and delivered to the governor, the

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senate president, and the speaker of the house of representatives. It shall include but not be limited to, a description of progress in implementing the provisions of this chapter, payments into and out of the fund, the number of employees in the state participating in the purchasing mechanism, and recommendations for improvement of the program and for further increasing the rate at which New Hampshire employees have FMLI coverage.

II. Working in coordination with the department of administrative services as provided in RSA 21-I:105, II, the department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive FMLI benefits under this chapter or under RSA 21-I:96 through RSA 21-I:108 are made aware of these benefits. Outreach information shall explain in an easy to understand format, eligibility requirements, benefit structures, and the process for accessing coverage and enrolling.

282-B:7 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed necessary for the implementation of this chapter.

282-B:8 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the general fund to the department of employment security for payment of the administrative and implementation costs associated with this chapter.

282-B:9 Implementation. The individual pool shall be operational and available for use by individuals on a timetable that is sufficient to ensure that FMLI coverage shall be available for purchase by January 1, 2023.

282-B:10 Application; Employers with Fewer than 50 Employees. No provision of this chapter shall require employers with fewer than 50 employees to offer family medical leave or process payroll deductions on behalf employees choosing to participate in the program as individuals.

467 New Section; Family Medical Leave Insurance; Discrimination in the Workplace. Amend RSA 275 by inserting after section 37-c the following new section:

275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that employer who takes family or medical leave and accesses wage replacement benefits under such family and medical leave insurance coverage shall be restored to the position she or he held prior to such leave or to an equivalent position by her or his employer consistent with the job restoration provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section 2601 et seq. Such employers shall continue to provide health insurance to employees during the leave. However, employees shall remain responsible for any employee-shared costs associated with the health insurance benefits. Such employers shall not discriminate or retaliate against any employee for accessing family or medical leave wage replacement benefits. Employers of employees participating in the granite state paid family leave plan may require that paid leave taken under this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a

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1 collective bargaining agreement or other established employer policy or the Family and Medical  
2 Leave Act, as applicable.

3 468 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I(b) by inserting after  
4 subparagraph (364) the following new subparagraphs:

5 (365) Moneys deposited in the FMLI premium fund established in RSA 282-B:4.

6 (366) Moneys deposited in the FMLI premium stabilization trust fund established in  
7 RSA 282-B:5.

8 469 New Section; Business Enterprise Tax; Granite State Paid Family Leave Plan Tax Credit.  
9 Amend RSA 77-E by inserting after section 3-d the following new section:

10 77-E:3-e Granite State Paid Family Leave Plan Tax Credit. There shall be a tax credit allowed  
11 against the tax due under this chapter in an amount equal to 50 percent of the premium paid by a  
12 sponsoring employer for family and medical leave insurance coverage offered to employees pursuant  
13 to RSA 21-I:100 for the taxable period in which the premium is paid.

14 470 Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1,  
15 2021..

LBA  
21-1082  
3/1/21

**HB 2-FN-A-LOCAL- FISCAL NOTE  
AS INTRODUCED**

AN ACT                      relative to state fees, funds, revenues, and expenditures.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

**AGENCIES CONTACTED:**

None