

CHAPTER 91
HB 2-FN-A-LOCAL - FINAL VERSION

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2021 SESSION

21-1082
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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

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.

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10. Provides for the state to reimburse the sheriff's offices for court security for the biennium.
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.

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31. Changes the approval threshold for contracts set by the governor and council manual of procedures.
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.

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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.

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.

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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.

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.

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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.

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.

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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.
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 rated 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.

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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.

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.

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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.

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.

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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 91:1 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 91:2 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.

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

6 91:3 Divisions of Procurement and Support Services; Planning and Management Functions.
7 Amend RSA 21-I:11,I(c)(4) to read as follows:

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

10 91:4 New Subparagraph; Graphic Services Fund Established; Department of Administrative
11 Services. Amend RSA 21-I:12, I by inserting after subparagraph (e) the following new
12 subparagraph:

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

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

23 91:5 Division of Plant and Property; Planning and Management. Amend RSA 21-I:12, II to read
24 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 91:6 Department of Administrative Services; Payment and Procurement Card Fund. Amend
33 RSA 9-D:3, III to read as follows:

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

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

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

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

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

19 91:7 New Subparagraph; Graphic Services Fund. Amend RSA 6:12, I(b) by inserting after
20 subparagraph (364) the following new subparagraph:

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

24 91:8 Department of Administrative Services; Consolidation of Human Resources and Payroll
25 Functions.

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

33 (a) Accounts receivable;

34 (b) Accounts payable;

35 (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to
36 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

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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 91:9 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 91:10 All Agencies; Electronic Mail. Unless restricted by law or administrative rule, upon
24 request of an intended recipient, an agency may provide documents by electronic mailing in lieu of
25 mail.

26 91:11 Department of Administrative Services; Funding and Staffing Resource Limitations.

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

33 II. Due to inadequate funding and staffing resources at the department of administrative
34 services, the commissioner of the department of administrative services may suspend the following
35 requirements or obligations of the department for each fiscal year of the biennium ending June 30,
36 2023:

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

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

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

19 91:12 Repeal. 2005, 291:3, V(c), relative to the memorandum of understanding with the
20 commissioner of the department of health and human services for the purpose of delineating the
21 functions to be assumed by the department of administrative services, is repealed.

22 91:13 Appropriation; Department of Administrative Services. Any remainder of the sum of
23 \$1,300,000 appropriated for the fiscal year ending June 30, 2020 to the department of administrative
24 services for the purpose of obtaining scheduling software under 2019, 346:244 shall not lapse until
25 June 30, 2023. The governor is hereby authorized to draw a warrant for said sum out of any money
26 in the treasury not otherwise appropriated.

27 91:14 Retirement System; Medical Benefits. Amend RSA 100-A:52, III-III-a to read as follows:

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

35 III-a. In the case of group II members retired from state employment on or after July 1,
36 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the
37 provisions of RSA 21-I:26-36, ~~[the amount payable by]~~ the retirement system **shall pay not less**

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

11 91:15 Retirement System; Medical Benefits. Amend RSA 100-A:52-b, V and VI to read as
12 follows:

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

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

33 91:16 Contingent Implementation. The provisions of sections 14 and 15 of this act, amending
34 RSA 100-A:52, III-III-a and RSA 100-A 52-b, V and VI relating to retirement system medical
35 benefits, shall be effective and implemented 90 days after the date that the board of trustees
36 established in RSA 100-A:14 certifies to the fiscal committee of the general court and the director of
37 legislative services of the New Hampshire retirement system's receipt of a favorable determination

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1 letter from the Internal Revenue Service as to the tax qualified status of the plan under section
2 401(a) and 501(a) of the Internal Revenue Code of 1986 as amended.

3 91:17 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision
4 of law to the contrary, and subject to approval of the fiscal committee of the general court, for the
5 biennium ending June 30, 2023, the supreme court may transfer funds within and among all
6 accounting units within the judicial branch as the supreme court deems necessary and appropriate
7 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
8 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
9 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
10 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
11 \$100,000 or more.

12 91:18 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
13 ending June 30, 2023, the state shall reimburse the sheriff's office for court security at the rates
14 provided in the collective bargaining agreement applicable to per diem court security officers
15 employed by the judicial branch to attend any official business, for any person employed as a bailiff
16 by the sheriff's office.

17 91:19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10
18 the following new section:

19 10:11 Sale of Lakes Region Facility.

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

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

29 91:20 Lakeshore Redevelopment Planning Commission; Definitions; Lakes Region Facility.
30 Amend RSA 10:5, II to read as follows:

31 II. In this subdivision, "commission" means the lakeshore redevelopment planning
32 commission, and "lakes region facility" means the former Laconia state school land and buildings
33 and training center property, ***excluding the separate parcel identified as Ahern State Park,***
34 ***formerly Governor's State Park, which was transferred to the division of parks and***
35 ***recreation in November 1994 and preserved as a state park in perpetuity pursuant to RSA***
36 ***216-H.***

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1 91:21 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
2 ending June 30, 2023, the commissioner of health and human services shall make quarterly reports
3 to the governor, the speaker of the house of representatives, and the senate president on the status
4 of estimated Medicaid payments in relation to actual costs. Further contents of such reports shall be
5 as specified by the governor.

6 91:22 Department of Health and Human Services; Unfunded Positions; Authorization.
7 Notwithstanding any other provision of law to the contrary, the department of health and human
8 services may fill unfunded positions during the biennium ending June 30, 2023, provided that the
9 total expenditure for such positions shall not exceed the amount appropriated for personal services.

10 91:23 Department of Health and Human Services; Bureau of Adult and Elderly Services;
11 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
12 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
13 biennium ending June 30, 2023.

14 91:24 Department of Health and Human Services; Foster Grandparent Program. The
15 reimbursements to the foster grandparent program through the senior volunteer grant program,
16 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2023.

17 91:25 Department of Health and Human Services; Social Services Block Grant Cost of Living
18 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
19 June 30, 2023, the department of health and human services shall raise the income eligibility for
20 elderly and adult clients under the social services block grant program each January, by the
21 percentage amount of the cost of living increase in social security benefits on a yearly basis provided
22 such amount is consistent with federal law and regulations relative to the social services block grant
23 income eligibility.

24 91:26 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a to read
25 as follows:

26 167:18-a County Reimbursement of Funds; Limitations on Payments.

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

30 (a) Counties shall reimburse the state for expenditures for recipients for whom such
31 county is liable who are eligible for nursing home care and are receiving services from a licensed
32 nursing home, or in another New Hampshire setting as an alternative to a licensed nursing home
33 placement and are supported under the Medicaid home and community-based care waiver for the
34 elderly and chronically ill, as such waiver may be amended from time to time, to the extent of 100
35 percent of the non-federal share of such expenditures. ***If at any point the Federal Medical***
36 ***Assistance Percentage increases, the counties' portion of the non-federal share shall be***
37 ***reduced by the amount of the increased federal percentage, if allowable under federal law***

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1 **and subject to any conditions on the funding.** Expenditures shall not include payments made
2 for skilled care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 V. Notwithstanding the procedures of paragraphs I-III of this section, no county shall be
2 liable for total billings in fiscal year 2009 or fiscal year 2010 in an amount which would be greater
3 than the amount of liability projected for that fiscal year using the methodology for determining
4 county payments in former RSA 167:18-a, 167:18-b, and 167:18-f prior to its repeal together with the
5 amount of liability projected for that fiscal year using the repealed methodology for determining
6 county payments in RSA 169-B, 169-C, and 169-D.

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

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

15 91:27 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
16 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV, as amended by 2019, 346:64
17 to read as follows:

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

19 91:28 Effective Date. Section 27 of this act shall take effect June 30, 2021.

20 91:29 The New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3,
21 I(e)-(f) to read as follows:

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

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

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

27 91:30 New Subparagraph; Emergency Services for Children, Youth and Families Fund. Amend
28 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

31 91:31 New Section; Department of Health and Human Services; Establishing the Emergency
32 Services for Children, Youth, and Families Fund. Amend RSA 170-G by inserting after section 4-g
33 the following new section:

34 170-G:4-h Establishing the Emergency Services for Children, Youth, and Families Fund. There
35 is hereby established in the state treasury the emergency services for children, youth, and families
36 fund. The funds shall be used by the department to meet the immediate needs of children and
37 families as required to ensure the department is making reasonable efforts to avoid the removal of

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1 children and support reunification. The use of these funds shall be limited to instances when there
2 are no other supports or services available to meet the immediate need in a timely manner. The
3 funds may be comprised of public funds, gifts, grants or donations or any other source of funds. The
4 fund shall be non-lapsing and shall be continually appropriated to the department for purposes
5 funding emergency services administered by the department, or its providers, under RSA 169-B,
6 RSA 169-C, RSA 169-D or under this chapter.

7 91:32 Parental Reimbursement; Child Services. Amend 2020, 26:57, II-III to read as follows:

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

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

11 91:33 New Hampshire Department of Health and Human Services; Elimination of Parental
12 Reimbursement. The department of health and human services shall be authorized to motion the
13 court to terminate any court orders for parental reimbursement either for on-going repayment or
14 arrears pursuant to implementation of 2020, 26:12 through 2020, 26:29 in existence as of the
15 effective date of any court order rendered pursuant to this act.

16 91:34 Department of Health and Human Services; Program Eligibility; Additional Revenues.
17 For the biennium ending June 30, 2023, the department of health and human services shall not
18 authorize, without prior consultation with the house health, human services and elderly affairs
19 committee and the senate health and human services committee and the approval of the fiscal
20 committee of the general court and governor and council, any change to program eligibility
21 standards or benefit levels that might be expected to increase or decrease enrollment in the program
22 or increase expenditures from any source of funds; provided, however, that no such prior approval
23 shall be required if a change to a federal program in which the state is participating as of the
24 effective date of this section is required by federal law.

25 91:35 Department of Health and Human Services; Change in Federal Match Revenue. During
26 the biennium ending June 30, 2023 any item submitted to the fiscal committee of the general court
27 which increases a draw on federal funds, as a result of miscalculation of or change in the state's
28 share of a federal match program in excess of \$100,000 in an accounting unit, shall include an
29 explanation stating if any general funds have been supplanted, and if so, for what purpose those
30 supplanted general funds will be used, and the amount of supplanted general funds anticipated to
31 lapse.

32 91:36 Reproductive Health Facilities. No state funds shall be awarded by the department of
33 health and human services to a reproductive health care facility, as defined in RSA 132:37, I, except
34 the funding available from the state pursuant to Title XIX of the Social Security Act to the minimum
35 extent necessary to comply with federal conditions for the state's participation in the Medicaid
36 program. Any contract awarded to a family planning project shall contain all of the following
37 provisions: (1) that no state funds shall be used to subsidize abortions, either directly or indirectly;

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

14 91:37 Title. Sections 37-40 of this act may be known and cited as the “Fetal Life Protection Act.”

15 91:38 Legislative Findings and Purpose.

16 I. The general court finds that:

17 (a) The prohibition of late-term abortion is supported by history and the common law.
18 The Hippocratic Oath as Literary Text: A Dialogue Between Law and Medicine, 2 Yale J. Health
19 Policy L. & Ethics 299, 308 (discussing the Hippocratic Oath’s prohibition on abortion); Digest of
20 Justinian: Digest 4.48.8.8 (classifying abortion as a form of homicide); 2 Bracton on Laws and
21 Customs of England 341 (S. Thorne trans. 1968) (classifying abortion as a form of homicide
22 “especially if [the fetus] is quickened”); 1 W. Blackstone, Commentaries on the Law of England 125
23 (1773) (stating that the common law has historically prohibited abortion “as soon as an infant is able
24 to stir in the mother’s womb.”). The New Hampshire supreme court has observed that “The common
25 law has always been most solicitous for the welfare of the fetus in connection with its inheritance
26 rights as well as protecting it under the criminal law.” *Poliquin v. Donald*, 101 N.H. 104, 107 (1957).

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

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

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1 (d) The *Roe* Court affirmed that “For the stage subsequent to viability, the State in
2 promoting its interest in the potentiality of human life may, if it chooses, regulate, and even
3 proscribe, abortion except where it is necessary, in appropriate medical judgment, for the
4 preservation of the life or health of the mother.” *Roe v. Wade*, 410 U.S. 113, 164-165 (1973).

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

10 (f) Already in 1973, the Supreme Court had observed that “Viability is usually placed at
11 about seven months (28 weeks) but may occur earlier, even at 24 weeks.” *Roe v. Wade*, 410 U.S. 113,
12 160 (1973). Since that time, however, there has been “dramatic improvement in survival for infants
13 born at the border of viability (≤ 24 weeks).” Barbara Luke and Morton B. Brown, The changing risk
14 of infant mortality by gestation, plurality, and race: 1989-1991 versus 1999-2001, *Pediatrics*, Dec.
15 2006, 118 (6): 2488-2497.

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

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

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

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

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

34 (a) Based on the state’s interest in protecting fetal life, to prohibit abortions at or after
35 24 weeks gestation, except in cases of a medical emergency.

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

4 91:39 New Subdivision; Fetal Life Protection Act. Amend RSA 329 by inserting after section 42
5 the following new subdivision:

6 Fetal Life Protection Act

7 329:43 Definitions. In this subdivision:

8 I. “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any
9 other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy
10 of a woman with knowledge that the termination by those means will with reasonable likelihood
11 cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the
12 intent to:

- 13 (a) Save the life or preserve the health of the fetus;
- 14 (b) Remove a dead fetus caused by spontaneous abortion; or
- 15 (c) Remove an ectopic pregnancy.

16 II. “Attempt to perform” means an act or omission of a statutorily required act that, under
17 the circumstances as the actor believes them to be, constitutes a substantial step in a course of
18 conduct planned to culminate in the performance or inducement of an abortion.

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

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

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

25 VI. “Medical facility” means any public or private hospital, clinic, center, medical school,
26 medical training institution, health care facility, physician’s office, infirmary, dispensary,
27 ambulatory surgical treatment center, or other institution or location wherein medical care is
28 provided to any person.

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

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

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

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

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

7 329:44 Prohibition.

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

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

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

29 329:45 Reporting.

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

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1 The health care provider and the medical facility shall retain a copy of the written reports required
2 under this section for not less than 5 years.

3 329:46 Criminal Penalties. Any health care provider who knowingly performs or induces an
4 abortion in violation of this subdivision and knows that the fetus has a gestational age of at least 24
5 weeks, or consciously disregards a substantial risk that the fetus has a gestational age of at least 24
6 weeks, shall be guilty of a class B felony and, in addition to any other penalties the court may
7 impose, be fined not less than \$10,000 and not more than \$100,000.

8 329:47 Civil Remedies.

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

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

16 329:48 Review by New Hampshire Board of Medicine.

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

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

27 329:49 Construction. Nothing in this subdivision shall be construed as creating or recognizing a
28 right to abortion.

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

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1 126-A:89 Definitions. In this subdivision:

2 I.(a) "Chronic pain" means a state in which pain persists beyond the usual course of an acute
3 disease or healing of an injury, or that might or might not be associated with an acute or chronic
4 pathologic process that causes continuous or intermittent pain over months or years. It also includes
5 intermittent episodic pain that might require periodic treatment.

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

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

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

13 II. "Commissioner" means the commissioner of the department of health and human
14 services.

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

16 IV. "Department" means the department of health and human services, established in RSA
17 126-A:4.

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

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

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

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

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

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

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

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

34 VIII. "Practitioner" means a physician, dentist, podiatrist, veterinarian, pharmacist, APRN,
35 physician assistant, naturopath, or other person licensed or otherwise permitted to prescribe,
36 dispense, or administer a controlled substance in the course of licensed professional practice.

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1 "Practitioner" shall also include practitioners with a federal license to prescribe or administer a
2 controlled substance.

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

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

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

11 126-A:90 Controlled Drug Prescription Health and Safety Program Established.

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

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

20 III. Prescription information held by the program relating to any individual shall be deleted
21 3 years after the initial prescription was dispensed. All de-identified data may be kept for statistical
22 and analytical purposes in perpetuity.

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

24 126-A:91 Controlled Drug Prescription Health and Safety Program Operation.

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

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

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

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

34 (c) Practitioners who prescribe and dispense schedule II-IV controlled substances shall
35 register with the program as both a prescriber and a dispenser unless exempted pursuant to RSA
36 126-A:89, VI.

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

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

5 V. Each dispenser shall submit to the program the information regarding each dispensing of
6 a schedule II-IV controlled substance. Any dispenser located outside the boundaries of the state of
7 New Hampshire and who is licensed and registered by the pharmacy board, established in RSA
8 318:2, shall submit information regarding each prescription dispensed to a patient who resides
9 within New Hampshire.

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

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

14 (b) Prescriber's DEA registration number.

15 (c) Date of dispensing.

16 (d) Prescription number.

17 (e) Number of refills granted.

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

19 (g) Quantity dispensed.

20 (h) Number of days supply of drug.

21 (i) Patient's name.

22 (j) Patient's address.

23 (k) Patient's date of birth.

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

25 (m) Date prescription was written by prescriber.

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

27 (o) Source of payment for prescription.

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

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

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

36 VIII. The program administrator may issue a waiver to a dispenser that is unable to submit
37 prescription information by electronic means. Such waiver may permit the dispenser to submit

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1 prescription information by paper form or other means, provided all information required by
2 paragraph VI is submitted in this alternative format and within the established time limit.

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

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

8 126-A:92 Confidentiality.

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

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

18 III. The department may use and release information and reports from the program for
19 program analysis and evaluation, statistical analysis, public research, public policy, and educational
20 purposes, provided that the data are aggregated or otherwise de-identified at all levels of use. The
21 department shall not acquire, use or release information from the program for these purposes unless
22 all patient-specific protected health information has been de-identified in accordance with section
23 164.514(b)(2) of the HIPAA Privacy Rule.

24 126-A:93 Providing Controlled Drug Prescription Health and Safety Information.

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

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

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

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

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

36 (b) By written request, to:

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

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1 (2) The board of dentistry, the board of medicine, the board of nursing, the board of
2 registration in optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy
3 board; provided, however, that the request is pursuant to the boards' official duties and
4 responsibilities and the disclosures to each board relate only to its licensees and only with respect to
5 those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.

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

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

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

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

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

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

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

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

36 126-A:94 Unlawful Act and Penalties.

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1 I. Any dispenser or prescriber who fails to submit the information required in RSA 126-A:91
2 or knowingly submits incorrect information shall be subject to a warning letter and provided with an
3 opportunity to correct the failure. Any dispenser or prescriber who subsequently fails to correct or
4 fails to resubmit the information may be subject to discipline by the appropriate regulatory board.

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

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

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

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

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

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

25 126-A:95 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, necessary to
26 implement and maintain the program including:

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

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

30 III. The criteria for reviewing the prescribing and dispensing information collected by the
31 program.

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

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

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

37 126-A:96 Advisory Council Established.

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1 I. There is hereby established an advisory council to carry out the duties under this
2 subdivision. Members of the council shall not be compensated for serving on the council, or serve on
3 the council for more than one 5-year term except for the attorney general, or designee, or the
4 commissioner of the department of health and human services, or designee. The members of the
5 council shall be as follows:

6 (a) A member of the board of medicine, appointed by such board.

7 (b) A member of the pharmacy board, appointed by such board.

8 (c) A member of the board of dental examiners, appointed by such board.

9 (d) A member of the New Hampshire board of nursing, appointed by such board.

10 (e) A member of the board of veterinary medicine, appointed by such board.

11 (f) A physician appointed by the New Hampshire Medical Society.

12 (g) A dentist appointed by the New Hampshire Dental Society.

13 (h) A chief of police appointed by the New Hampshire Association of Chiefs of Police.

14 (i) A community pharmacist appointed jointly by the New Hampshire Pharmacists
15 Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire
16 Association of Chain Drug Stores.

17 (j) Two public members appointed by the governor's commission on alcohol and drug
18 abuse prevention, treatment, and recovery, one of whom may be a member of the commission.

19 (k) A hospital administrator appointed by the New Hampshire Hospital Association.

20 (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner
21 Association.

22 (m) A veterinarian appointed by the New Hampshire Veterinary Medical Association.

23 (n) The attorney general, or designee.

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

25 (p) A member of the senate, appointed by the president of the senate.

26 (q) Two members of the house of representatives, appointed by the speaker of the house
27 of representatives.

28 II. The council shall:

29 (a) Make recommendations to the department relating to the design, implementation,
30 and maintenance of the program, including recommendations relating to:

31 (1) Rules.

32 (2) Legislation.

33 (3) Sources of funding, including grant funds and other sources of federal, private, or
34 state funds;

35 (b) Review the program's annual report and make recommendations to the department
36 regarding the operation of the program.

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1 (c) Provide ongoing advice and consultation on the implementation and operation of the
2 program, including recommendations relating to:

3 (1) Changes in the program to reflect advances in technology and best practices.

4 (2) Changes to statutory requirements.

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

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

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

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

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

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

19 126-A:97 Competency Requirements. Except for veterinarians who shall complete continuing
20 education requirements in accordance with RSA 332-B:7-a, XV, all prescribers required to register
21 with the program who possess a United States Drug Enforcement Administration (DEA) license
22 number shall complete 3 contact hours of free appropriate prescriber's regulatory board-approved
23 online continuing education or pass an online examination, in the area of pain management and
24 addiction disorder or a combination, as a condition for initial licensure and license renewal.
25 Verification of successful completion of the examination or of the required continuing education shall
26 be submitted to the prescriber's regulatory board with the licensee's application for initial licensure
27 or renewal. A list of the prescriber's regulatory boards' approved continuing education courses and
28 online examinations in pain management and addiction disorder, shall be available on the
29 department of health and human service's Internet website.

30 91:46 Repeal. OPLC; Controlled Drug Prescription Health and Safety Program. RSA 318-
31 B:31-38, relative to the controlled drug prescription health and safety program, are repealed.

32 91:47 Reference Corrected. Veterinary Board. Amend RSA 332-B:3, I (b) to read as follows:

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

35 91:48 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and
36 towns shall be suspended for the biennium ending June 30, 2023.

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1 91:49 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30,
2 2023, the liquor commission, for purposes of supporting merchant card activity, may:

3 I. Implement necessary business strategies in the event of a disaster or loss of services to
4 insure the continuity of the commission's business operations, including the processing of merchant
5 cards, which includes the ability to transfer funds from accounting unit 01-03-03-030010-7677 in
6 consultation with the commissioner of the department of information technology. The commissioner
7 shall report to the fiscal committee of the general court within 30 days any instances where it would
8 need to implement such business strategies, including any costs and loss of revenue associated with
9 the disaster or loss of services and the implementation of such business strategies.

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

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

15 91:50 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2023,
16 the department of education may, subject to the approval of the governor and council, accept gifts,
17 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
18 other organizations or institutions for the purpose of funding appropriations for New Hampshire
19 scholars made in accounting unit 06-56-56-562010-7534.

20 91:51 Certain Differential Aid Calculations; Fiscal Year 2022.

21 I. Average Daily Membership in Attendance; Fiscal Year 2022. The commissioner of the
22 department of education shall compare the average daily membership in attendance (ADMA),
23 defined in RSA 198:38, for each district and town for school year 2019-2020 and school year 2020-
24 2021. The greater enrollment shall be used to calculate the cost of an opportunity for an adequate
25 education under RSA 198:40-a and relief funding under RSA 198:40-e for the fiscal year ending June
26 30, 2022.

27 II. When determining ADMA for third grade pupils scoring below proficiency on the reading
28 component of the state assessment as required by RSA 198:40-a, II(e) for the fiscal year ending June
29 30, 2022, the commissioner of the department of education shall compare the ADMA for this
30 category of differentiated aid in school year 2018-2019 and school year 2020-2021. The greater
31 ADMA shall be used to calculate the cost of an opportunity for an adequate education under RSA
32 198:40-a, II(e) for the fiscal year ending June 30, 2022.

33 91:52 Conditional Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price
34 Meal; Fiscal Year 2023.

35 I. If, as of any of the dates set forth in RSA 198:41, V, VI, or VII, either (a) the state of New
36 Hampshire is in a declared state of emergency pursuant to RSA 4:45 as it relates to the COVID-19
37 pandemic or (b) the U.S. Department of Agriculture has not rescinded the Child Nutrition Covid-19

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1 Waivers enacted in response to the pandemic, or both, then the department of education shall, in
2 consultation with the governor, determine whether the alternative differential aid calculation set
3 forth in paragraph II is required for fiscal year 2023 when making the required estimate or final
4 determination described in RSA 198:41, V, VI, or VII as applicable.

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

14 91:53 New Section; Relief Funding. Amend RSA 198 by inserting after section 40-d the
15 following new section:

16 198:40-e Relief Funding.

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

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

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

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

29 91:54 Additional Aid to Education. The governing body of a school district may call a special
30 meeting pursuant to RSA 197:3-a to determine how any adjustment in education aid shall be
31 budgeted.

32 91:55 Transfer; Education Trust Fund. At the close of the fiscal year ending June 30, 2021, the
33 state treasurer shall transfer the sum of \$35,000,000 from the education trust fund surplus to a
34 restricted account under the department of education for purposes of providing relief funding
35 pursuant to RSA 198:40-e for fiscal years 2022 and 2023.

36 91:56 Effective Date. Section 55 of this act shall take effect June 30, 2021.

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1 91:57 New Subparagraph. Amend RSA 198:41, I by inserting after subparagraph (c) the
2 following new subparagraph:

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

4 91:58 Department of Education; State Maintenance of Equity; Biennium Ending June 30, 2023.

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

14 II. If state aid is increased pursuant to paragraph I to achieve compliance with Section
15 2004(b) of the American Rescue Plan Act of 2021, the department of education shall determine if the
16 increase brings the state into compliance by eliminating an overall per-pupil reduction in state
17 funds, in which case the department shall issue the state aid on a prorated basis to the local
18 educational agency or agencies needing an increase in state aid in order to achieve compliance.

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

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

34 V. In the event grants are required to be disbursed to districts, the commissioner of
35 education may request the fiscal committee of the general court to authorize additional funding.
36 Funds requested and approved shall be a charge to the education trust fund. Such warrants for
37 payment shall be issued regardless of the balance of funds available in the education trust fund. If

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1 the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the
2 comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The
3 commissioner of the department of administrative services shall inform the fiscal committee and the
4 governor and council of such balance. This reporting shall not in any way prohibit or delay the
5 distribution of any grant or transfer of funds authorized under this chapter.

6 91:59 Appropriation; Department of Education. For the biennium ending June 30, 2023, the
7 sum of \$3,000,000 is hereby appropriated to the department of education for the purpose of funding
8 operating costs for a state student data collection and reporting system. Said appropriation shall be
9 a charge against the education trust fund.

10 91:60 Education Trust Fund Created and Invested. Amend RSA 198:39, I to read as follows:

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

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

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

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

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

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

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

34 (g) [Repealed.]

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

37 (i) Tobacco settlement funds in the amount of \$40,000,000 [~~annually~~] or, ***for any year***

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1 *in which the total tobacco settlement funds received by the state is less than \$40,000,000,*
2 *the total amount of tobacco settlement funds received by the state.*

3 (j) The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4
4 which were apportioned to school districts in the property tax rate calculations in 1998.

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

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

8 91:61 Transfer; Education Trust Fund. The comptroller shall transfer the following amounts
9 from the education trust fund to the public school infrastructure fund established in RSA 198:15-y:
10 \$1,000,000 on July 1, 2021 and \$1,000,000 on July 1, 2022.

11 91:62 Public School Infrastructure Fund. Amend RSA 198:15-y to read as follows:
12 198:15-y Public School Infrastructure Fund.

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

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

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

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

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

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

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

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

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

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

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

17 91:63 Repeal. 2017, 156:72, relative to the prospective repeal of the public school infrastructure
18 fund and commission, is repealed.

19 91:64 Department of Agriculture, Markets, and Food; Integrated Pest Management Program.
20 Amend RSA 430:50, II to read as follows:

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

28 91:65 Department of Business and Economic Affairs; New Hampshire Economic Development
29 Fund. Amend RSA 12-O:21 to read as follows:

30 12-O:21 New Hampshire Economic Development Fund.

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

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

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- 1 (a) Business financing and expansion initiatives.
2 (b) ~~[Job]~~ **Workforce recruitment** retention and creation.
3 (c) International trade.
4 (d) Research and development activities.
5 (e) Other projects or programs recognized as being beneficial to business activity in New
6 Hampshire.

7 III. To maximize the economic impact of expenditures from this fund, and to leverage
8 additional funding from other sources, the commissioner may contract with such organizations as,
9 but not limited to, the following:

- 10 (a) ~~[New Hampshire Business Development Corporation]~~ **Chambers of commerce.**
11 (b) ~~[Small Business Investment Corporation]~~ **Regional economic development or**
12 **planning organizations.**
13 (c) Innovation Research Center.
14 (d) Small Business Development Center.

15 IV. All moneys **appropriated to the fund as well as moneys** returned to the department
16 as a result of contracts between the commissioner and any other party as authorized shall be
17 redeposited into the New Hampshire economic development fund. In addition, the department may
18 accept gifts, grants, donations or other moneys for the purposes of this section. Said moneys shall be
19 deposited into the New Hampshire economic development fund.

20 91:66 New Section; Department of Business and Economic Affairs; Director of
21 Intergovernmental Affairs. Amend RSA 12-O by inserting after section 5 the following new section:

22 12-O:5-a Director of Intergovernmental Affairs.

23 I. There is established in the office of the commissioner the unclassified position of director
24 of intergovernmental affairs. The director shall be qualified to hold that position by reason of
25 education and experience and shall perform such duties as the commissioner from time to time may
26 authorize.

27 II. The commissioner shall nominate for appointment by the governor, with the consent of
28 the council, this unclassified director of intergovernmental affairs who shall serve for a term of 4
29 years.

30 III. The salary of the director of intergovernmental affairs shall be determined after
31 assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for
32 the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

33 IV. Upon completion of the appointment of the first director of intergovernmental affairs,
34 position number 40049 shall be abolished to allow for the transition of this classified position with
35 its available appropriations into the unclassified position of director of intergovernmental affairs.
36 Funding shall be transferred into a new expenditure class number 11 within accounting unit 03-22-
37 22-220010-2007.

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1 91:67 Repeal. RSA 12-O:11-a, relative to the bureau of film and digital media, is repealed.

2 91:68 Reference Deleted. Department of Business and Economic Affairs. Amend RSA 12-O:2, I
3 to read as follows:

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

12 91:69 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
13 provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of
14 travel and tourism development, are hereby suspended for the biennium ending June 30, 2023.

15 91:70 Department of Corrections; Transfer Authority. The following classes within the
16 department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c,
17 classes 10-personal services-perm classified, 11-personal services unclassified, 12-personal services-
18 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
19 department is authorized to transfer funding in these classes within and amongst all accounting
20 units provided that any transfer of \$100,000 or more shall require prior approval of the fiscal
21 committee of the general court and governor and council. The provisions in this paragraph shall
22 remain in effect for the biennium ending June 30, 2023.

23 91:71 Equipment Purchases. Amend RSA 622:28-a,V to read as follows:

24 V. All purchases of materials, supplies, and equipment into the inventory account shall be
25 made in accordance with the provisions of RSA 21-I:11 and any equipment purchase in excess of
26 [~~\$5,000~~] ***the approval threshold for contracts set by the governor and council manual of***
27 ***procedures***, and made under the provisions of this section, shall require the prior approval of both
28 the fiscal committee of the general court and the governor and council.

29 91:72 Department of Environmental Services; Appropriation Extended. Amend 2019, 346:304, I
30 to read as follows:

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

37 91:73 Effective Date. Section 72 of this act shall take effect June 30, 2021.

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1 91:74 State Aid Grants; Department of Environmental Services.

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

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

13 91:75 Effective Date. Section 74 of this act shall take effect June 30, 2021.

14 91:76 Office of Professional Licensure and Certification; Renaming and Reorganizing of
15 Divisions. Amend RSA 310-A:1-a to read as follows:

16 310-A:1-a Office of Professional Licensure and Certification; Division of [~~Technical Professions~~]
17 **Licensing and Board Administration** and Division of [~~Health Professions~~] **Enforcement**
18 Established. There shall be an office of professional licensure and certification that shall consist of
19 the division of [~~technical professions~~] **licensing and board administration** and the division of
20 [~~health professions~~] **enforcement**.

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

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

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- 1 (p) Family mediators under RSA 328-C:4.
- 2 (q) Real estate commission under RSA 331-A:5.
- 3 (r) Septic system evaluators under RSA 310-A:206.

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

- 6 ~~(a) Hearing care providers under RSA 137-F:3.~~
- 7 ~~(b)~~ **(s)** Examiners of nursing home administrators under RSA 151-A:3.
- 8 ~~(c)~~ **(t)** Podiatry under RSA 315:1.
- 9 ~~(d)~~ **(u)** Chiropractic examiners under RSA 316-A:2.
- 10 ~~(e)~~ **(v)** Dental examiners under RSA 317-A:2.
- 11 ~~(f)~~ **(w)** Registration of funeral directors and embalmers under RSA 325:2.
- 12 ~~(g)~~ **(x)** Midwifery council under RSA 326-D:3.
- 13 ~~(h)~~ **(y)** Licensed dietitians under RSA 326-H:7.
- 14 ~~(i)~~ **(z)** Optometry under RSA 327:2.
- 15 ~~(j)~~ **(aa)** Naturopathic board of examiners under RSA 328-E:7.
- 16 ~~(k)~~ **(bb)** Licensed allied health professionals under RSA 328-F:3.
- 17 ~~(l)~~ **(cc)** Acupuncture licensing under RSA 328-G:3.
- 18 ~~(m)~~ **(dd)** Psychologists under RSA 329-B:3.
- 19 ~~(n)~~ **(ee)** Mental health practice under RSA 330-A:3.
- 20 ~~(o)~~ **(ff)** Licensing for alcohol and other drug use professionals under RSA 330-C:3.
- 21 ~~(p)~~ **(gg)** Electrologists under RSA 314:2-a.
- 22 ~~(q)~~ **(hh)** Body art practitioners under RSA 314-A.
- 23 ~~(r)~~ **(ii)** Ophthalmic dispensers under RSA 327-A:2.
- 24 ~~(s)~~ **(jj)** Reflexology, structural integrators, and Asian bodywork therapists under RSA
25 328-H:6.
- 26 ~~(t)~~ **(kk)** Massage therapists under RSA 328-B:5.
- 27 ~~(u)~~ **(ll)** Medicine under RSA 329:2.
- 28 ~~(v)~~ **(mm)** Nursing under RSA 326-B:3 and nursing assistant registry under RSA 326-
29 B:26.
- 30 ~~(w)~~ **(nn)** Pharmacy under RSA 318:2.
- 31 ~~(x)~~ **(oo)** Barbering, cosmetology, and esthetics under RSA 313-A:2.
- 32 ~~(y)~~ **(pp)** Medical technicians under RSA 328-I:2.
- 33 ~~(z)~~ **(qq)** Medical imaging and radiation therapists under RSA 328-J:1.
- 34 **(rr) Board of veterinary medicine under RSA 332-B.**
- 35 **(ss) Mechanical licensing board under RSA 153:27-a.**

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

4 91:77 Temporary Licensing Process; Reference Change. Amend RSA 310-A:1-f, I to read as
5 follows:

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

12 91:78 Telemedicine; Reference Change. Amend RSA 310-A:1-g, IV to read as follows:

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

18 91:79 Office of Professional Licensure and Certification; Division Directors; Unclassified
19 Positions Established. Amend RSA 310-A:1-c to read as follows:

20 310-A:1-c Division Directors; **Pharmacy Compliance Investigators.**

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

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

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

36 91:80 Office of Professional Licensure and Certification; Classified Positions Abolished; Funding
37 Transferred to Unclassified Positions.

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1 I. Upon the appointment of a chief pharmacy compliance investigator and 2 pharmacy
2 investigators to the office of professional licensure and certification, the following positions shall be
3 abolished to allow for the transition of these classified positions with their available appropriations
4 into the unclassified positions established in RSA 310-A:1-c, III. Funding shall be transferred into
5 expenditure class 011, within accounting unit 01-21-21-216010-33020000. The incumbents in the
6 abolished classified positions shall be offered the opportunity to seek the executive director's
7 nomination for the unclassified positions:

8 (a) Pharmacy Board Compliance Investigator, 22008.

9 (b) Pharmacy Board Compliance Investigator, 14337.

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

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

14 91:81 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I to read
15 as follows:

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

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

26 91:82 Mechanical Licensing Board; Transfer to Office of Professional Licensure and
27 Certification. Amend the introductory paragraph of RSA 153:27-a to read as follows:

28 153:27-a Mechanical Licensing Board. There is hereby established as a unit within the ~~[division~~
29 ~~of fire safety a mechanical licensing board]~~ ***office of professional licensure and certification***.

30 The term of office for the members appointed to the board shall be 3 years and until a successor is
31 appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall
32 be filled in the same manner and for the unexpired terms. No member of the board shall be
33 appointed to more than 2 consecutive terms. A member of the board shall serve as the board
34 secretary.

35 91:83 Appropriation; Internet Crimes Against Children Fund. The sum of \$250,000 for the
36 fiscal year ending June 30, 2022, and the sum of \$250,000 for the fiscal year ending June 30, 2023,
37 are hereby appropriated to the New Hampshire Internet crimes against children fund established in

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1 RSA 21-M:17. The governor is authorized to draw a warrant for said sums out of any money in the
2 treasury not otherwise appropriated.

3 91:84 Attorney/Administrator. Amend RSA 359-P:4 to read as follows:

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

12 91:85 Appropriation; FRM Victims' Contribution Recovery Fund. For the purpose of awarding
13 recovery assistance to victims of the FRM fraud, there is hereby appropriated the sum of \$5,000,000
14 for the fiscal year ending June 30, 2022, and the sum of \$5,000,000 for the fiscal year ending June
15 30, 2023, to the FRM victims' contribution recovery fund established in RSA 359-P:2. The governor
16 is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
17 appropriated.

18 91:86 Repeal of the Prospective Repeal of FRM Fund. 2016, 293:6, relative to the July 1, 2023
19 repeal of the FRM victims' contribution recovery fund in RSA 359-P:2, is repealed.

20 91:87 Revenue Stabilization Account; Cap. Amend RSA 9:13-e, V to read as follows:

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

26 91:88 Appropriation; Department of Health and Human Services. The sums of \$12,401,552 in
27 fiscal year 2022 and \$13,031,765 in fiscal year 2023 are hereby appropriated to the department of
28 health and human services for the purpose of funding one-time maintenance of the legacy Medicaid
29 management information system as the department transitions to new modular information
30 technology systems. The department may accept and expend matching federal funds without prior
31 approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of
32 any money in the treasury not otherwise appropriated.

33 91:89 Rate. Amend RSA 77:1 to read as follows:

34 77:1 Rate.

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

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

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

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

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

9 91:90 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 14-B:8, III(q) to read
10 as follows:

11 (q) New Hampshire taxes, specifying if business profits tax~~[,]~~ **or** business enterprise
12 tax~~[, or interest and dividends tax]~~.

13 91:91 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 15-A:5, I(d)(17) to
14 read as follows:

15 (17) New Hampshire taxes, specifying if business profits tax~~[,]~~ **or** business
16 enterprise tax~~[, or interest and dividends tax]~~.

17 91:92 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:31 to read as
18 follows:

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

29 91:93 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:33-a, I to read
30 as follows:

31 I. If there is a substantial understatement of tax imposed under ~~[RSA 77,]~~ RSA 77-A,
32 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
33 period, there shall be added to the tax an amount equal to 25 percent of the amount of any
34 underpayment attributable to such understatement.

35 91:94 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:46, III to read
36 as follows:

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1 III. This section shall apply only to tax returns and associated payments under ~~[RSA 77.]~~
2 RSA 77-A^[5] and RSA 77-E.

3 91:95 References to Interest and Dividends Tax Deleted; 2027. Amend RSA 71-C:4, I and II to
4 read as follows:

5 I. On or before December 15 of every fiscal year the commissioner of the department of
6 revenue administration shall certify in a report to the general court and the governor an analysis of
7 each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed
8 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,
9 RSA 84-A, RSA 84-C, and RSA 400-A.

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

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

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

14 (1) Other credits allowed under ~~[RSA 77.]~~ RSA 77-A, RSA 77-E, RSA 77-G, RSA 78,
15 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
16 the business profits tax imposed by RSA 77-A; and

17 (2) Credit carryovers from overpaid taxes.

18 91:96 Education Tax Credit Scholarship Organizations; 2027. Amend RSA 77-G:3 to read as
19 follows:

20 77-G:3 Contributions to Scholarship Organizations. For each contribution made to a
21 scholarship organization, a business organization, business enterprise, or individual may claim a
22 credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA
23 77-A, against the business enterprise tax due pursuant to RSA 77-E, ~~[against the tax on interest and~~
24 ~~dividends under RSA 77.]~~ or apportioned against each provided the total credit granted shall not
25 exceed the maximum education tax credit allowed. Credits provided under this chapter shall not be
26 deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration
27 shall not grant the credit without a scholarship receipt. No business organization, business
28 enterprise, or individual shall direct, assign, or restrict any contribution to a scholarship
29 organization for the use of a particular student or nonpublic school. No business organization,
30 business enterprise, or individual shall receive more than 10 percent of the aggregate amount of tax
31 credits permitted in RSA 77-G:4.

32 91:97 Education Tax Credit Scholarship Organizations; 2027. Amend RSA 77-G:5, I, (i)(2) to
33 read as follows:

34 (2) Not knowingly award a scholarship to any lineal descendant or equivalent step-
35 person of any proprietor, partner, or member of any business organization, business enterprise, or
36 individual making a contribution to a scholarship organization and claiming a credit against the
37 business profits tax^[5] **or** business enterprise tax, ~~[or tax on interest and dividends,]~~ nor any lineal

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1 descendant or equivalent step-person of any officer, director, or owner of more than a 5 percent
2 interest in any business organization, business enterprise, or individual making a contribution to a
3 scholarship organization and claiming a credit against the business profits tax^[7] **or** business
4 enterprise tax, ~~[or tax on interest and dividends,]~~ nor any employee who is among the highest-paid
5 20 percent of paid employees in any business organization, business enterprise, or individual making
6 a contribution to a scholarship organization and claiming a credit against the business profits tax^[7]
7 **or** business enterprise tax~~[, or tax on interest and dividends]~~.

8 91:98 Issuance of Electric Rate Reduction Bonds; 2027. Amend RSA 369-B:5, VI to read as
9 follows:

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

20 91:99 Repeals; Interest and Dividends Taxation; 2027. The following are repealed:

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

23 II. RSA 77, relative to taxation of incomes.

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

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

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

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

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

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

34 91:100 Returns for Interest and Dividends Taxes; 2027. All persons who are liable for a tax
35 under RSA 77 as of December 31, 2026, who thereafter are no longer liable for a tax under RSA 77
36 because of the passage of this act shall make a return of such taxes due the commissioner of revenue
37 administration in such manner and on such forms as the commissioner shall prescribe in rules

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1 adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit
2 the audit and collection of taxes upon income taxable under RSA 77 which is received by persons
3 subject to taxation under that chapter through December 31, 2026, and to permit the distribution of
4 that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of
5 federal income taxes on a calendar year basis are entitled to such proportion of the exemptions
6 allowed in RSA 77 as the reporting period bears to their taxable year.

7 91:101 Application; Repeal of RSA 77. Paragraph II of section 99 shall apply to taxable periods
8 beginning after December 31, 2026.

9 91:102 Effective Date.

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

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

12 91:103 Imposition of Tax. Amend RSA 78-A:6 to read as follows:

13 78-A:6 Imposition of Tax.

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

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

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

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

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

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

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

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

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

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

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

27 91:104 Applicability. RSA 78-A:6, as amended by section 103 of this act, shall be applicable to
28 taxable periods beginning on or after October 1, 2021.

29 91:105 Effective Date. Sections 103-104 of this act shall take effect upon its passage.

30 91:106 Business Enterprise Tax; Returns. Amend RSA 77-E:5, I to read as follows:

31 I. Every business enterprise having gross business receipts in excess of [~~\$200,000~~] ***\$250,000***
32 as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is
33 greater than [~~\$100,000~~] ***\$250,000*** shall, on or before the fifteenth day of the third month in the case
34 of enterprises required to file a United States partnership tax return, the fifteenth day of the fifth
35 month in the case of enterprises required to file a United States exempt organization return, and the
36 fifteenth day of the fourth month in the case of all other business enterprises, following expiration of
37 its taxable period, make a return to the commissioner. For tax years beginning January 1, 2015, the

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1 commissioner shall biennially adjust these threshold amounts rounding to the nearest \$1,000 based
2 on the 2-year (24-month) percentage change in the Consumer Price Index for All Urban Consumers,
3 Northeast Region as published by the Bureau of Labor Statistics, United States Department of
4 Labor using the amount published for the month of June in the year prior to the start of the tax
5 year. All returns shall be signed by the business enterprise or by its authorized representative,
6 subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

7 91:107 Applicability. RSA 77-E:5, I, as amended by section 106 of this act, shall be applicable to
8 taxable periods ending on or after December 31, 2022.

9 91:108 Effective Date. Sections 106-107 of this act shall take effect January 1, 2022.

10 91:109 Business Enterprise Tax; Rate Reduced. Amend RSA 77-E:2 to read as follows:

11 77-E:2 Imposition of Tax.

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

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

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

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

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1 91:110 Business Profits Tax; Rate Reduced; Contingency Deleted. Amend RSA 77-A:2 to read as
2 follows:

3 77-A:2 Imposition of Tax.

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

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

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

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

29 91:111 Effective Date. Sections 109-110 of this act shall take effect upon its passage.

30 91:112 Meals and Rooms Tax; Disposition of Revenue; Fund Established. Amend RSA 78-A:26
31 to read as follows:

32 78-A:26 Disposition of Revenue.

33 I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay
34 over all revenue, except revenues identified in ~~[paragraph III]~~ **paragraphs II and III** of this
35 section, collected under this chapter to the state treasurer. On or before September 15 of each year,
36 the department shall determine the cost of administration of this chapter for the fiscal year ending
37 on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by

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1 them as to correctness. After deducting the cost of administration of the chapter from the total
2 income, the state treasurer shall distribute the net income as follows:

3 (a) The amount necessary to provide payments of principal and interest on the bonds
4 and notes authorized under RSA 198:15-a, II for the fiscal years ending June 30, 2009 through June
5 30, 2030; *and*

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

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

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

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

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

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

34 *IV. There is hereby established in the treasury the meals and rooms municipal*
35 *revenue fund. Any money deposited into the meals and rooms municipal revenue fund*
36 *shall be nonlapsing and continually appropriated to the state treasurer for distribution to*

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1 *the unincorporated towns, unorganized places, towns, and cities pursuant to paragraph*
2 *III.*

3 91:113 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by
4 inserting after subparagraph (364) the following new subparagraph:

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

7 91:114 Reference Changed; Education Trust Fund. Amend RSA 198:39, I(c) to read as follows:

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

10 91:115 Business Profits Tax; Credit Carry-forward Limited; Payments Due With Returns and
11 Estimates. Amend RSA 77-A:7, I(b) to read as follows:

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

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

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

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

25 91:116 Business Enterprise Tax; Credit Carry-forward Limited; Payments Due With Returns.
26 Amend RSA 77-E:6, II to read as follows:

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

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

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

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

4 91:117 New Section; Commission to Study Limiting the Business Tax Credit Carry Over.
5 Amend RSA 77-A by inserting after section 7-a the following new section:

6 77-A:7-b Commission to Study Limiting the Business Tax Credit Carry Over.

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

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

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

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

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

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

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

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

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

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

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

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

36 91:118 Repeal. RSA 77-A:7-b, relative to the commission to study limiting the business tax
37 credit carry over, is repealed.

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1 91:119 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 91:120 New Hampshire Veterans' Home; Unfunded Positions; Authorization. Notwithstanding
5 any 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 91:121 New Hampshire Veterans' Home; Transfer Among Accounts and Classes.
9 Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2023, the
10 commandant of the New Hampshire veterans' home is authorized to transfer funds within and
11 among all accounting units within the home and to create accounting units and expenditure classes
12 as required and as the commandant deems necessary and appropriate to address present or
13 projected budget deficits, or to respond to changes in federal law, regulations, or programs, and
14 otherwise as necessary for the efficient management of the home, including funding of unfunded
15 positions, provided that if a transfer does not include new accounting units or expenditure classes,
16 only such transfers of \$100,000 or more shall require prior approval of the fiscal committee of the
17 general court and the governor and council. The New Hampshire veterans' home shall be exempt
18 from RSA 9:17-a, I and RSA 9:17-c, subject to approval by the fiscal committee of the general court of
19 any transfer of appropriations from permanent personal services or employee benefits to any other
20 use or purpose.

21 91:122 Wildlife Damage Control; Limitations for Persons Posting Property. Amend RSA 207:22-
22 a to read as follows:

23 207:22-a Limitations for Persons Posting Property.

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

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

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

34 ~~[III.]~~ **(c)** To any person who posts such person's land "Hunting by Permission Only",
35 provided that the names and addresses of the hunters who have received permission to hunt that
36 land in that year shall be furnished when requested by the executive director, and that in the

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1 judgment of the executive director, the history of hunter access and hunter density represents a
2 good-faith effort by the landowner to allow hunting.

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

7 91:123 Damage by Bears. Amend RSA 207:23-a to read as follows:

8 207:23-a Damage by Bears [~~or Mountain Lions~~].

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

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

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

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

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

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

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

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

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

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

8 91:124 Repeal. RSA 207:24, relative to an appeal from the executive director, is repealed.

9 91:125 Department of Information Technology; Unfunded Positions. Notwithstanding any other
10 provision of law to the contrary, the department of information technology may fill unfunded
11 positions during the biennium ending June 30, 2023, provided that the total expenditure for such
12 positions shall not exceed the amount appropriated for personnel services.

13 91:126 Adult Parole Board; Establishment. Amend RSA 651-A:3 to read as follows:

14 651-A:3 Adult Parole Board; Establishment; Procedures.

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

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

21 **(a) One member as chairman.**

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

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

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

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

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

32 **III.** The governor shall designate one member as chairman [~~and the chairman shall~~
33 ~~designate one other member to serve as chairman in his absence~~]. *The salary of the chairman*
34 *shall be that established in RSA 94:1-a as grade GG, with appropriate step to be*
35 *determined in accordance the provisions of RSA 94:1-d. The chairman shall designate one*
36 *other member to serve as temporary designee chairman in his or her absence, however, the*
37 *designated chairman shall not receive the chairman's salary or employee status while*

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1 *servicing in the chairman's absence.* In the case of a revocation hearing an attorney of the board
2 shall be present at the hearing. Board members shall be paid [~~\$100 a day plus mileage at the state~~
3 ~~employee rate while engaged in parole hearings or administrative meetings.~~] *an annual stipend of*
4 *\$20,000 for each member, to be paid in equal installments on each state employee pay*
5 *period date. Board members shall be paid mileage at the state employee rate while*
6 *engaged in parole hearings or administrative meetings.*

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

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

16 91:127 Applicability. On the effective date of section 126 of this act, the current chairman of the
17 adult parole board shall remain chairman and designate 4 current members who fit the criteria
18 outlined in RSA 651-A:3, II(b)(1)-(4) as inserted by section 126 of this act, to remain members of the
19 parole board according to their current terms. In the event that there are not 4 members on the
20 existing board who meet the criteria outlined in RSA 651-A:3, II(b)(1)-(4), the chairman may
21 designate an existing member to temporarily occupy any open member vacancy until a new
22 appointment for the vacancy is nominated by the governor and confirmed by the executive council.
23 Any current members who remain on the board, including the current chairman, shall serve until
24 the expiration of their current terms or until a successor is appointed and qualified.

25 91:128 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as
26 follows:

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

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1 the department of labor for the fiscal year in which the assessment is made and all other costs of
2 administering this chapter. The balance in the fund at the beginning of the new fiscal year shall
3 proportionately reduce the assessments under this section. The commissioner shall have the
4 authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are
5 to be made.

6 91:129 Workers' Compensation; Special Fund for Second Injuries. Amend RSA 281-A:55, III to
7 read as follows:

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

15 91:130 Workers' Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as
16 follows:

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

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1 continuance shall file with the department a written petition for such continuance at least 7 days
2 prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter,
3 a continuance may only be granted upon the commissioner's finding that a compelling need exists so
4 as to require a continuance. At such hearing, it shall be incumbent upon all parties to present all
5 available evidence and the person conducting the hearing shall give full consideration to all evidence
6 presented. In addition, the person conducting the hearing shall freely and comprehensively examine
7 all witnesses to determine the merits of the matter. Also, the person conducting the hearing may
8 recess the hearing to a date certain and direct the parties, or either of them, to provide such further
9 information that may be necessary to decide the matter. No later than 30 days after the hearing, the
10 commissioner or the commissioner's authorized representative shall render a decision and shall
11 forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized
12 representative, may render a decision at the hearing. Unless excused for good cause shown, **or a**
13 **party has not received notice**, failure of any or all parties at interest to appear at a duly scheduled
14 hearing or to petition for a continuance shall bar such parties from any further action concerning an
15 adverse decision, a decision by default, or a dismissal of a petition for hearing and award. **The**
16 **commissioner, or his or her authorized representative, shall serve notice of a pending**
17 **default, default decision, or dismissal of a petition for hearing and award on the**
18 **defaulting party via certified mail, return receipt requested. Upon receipt of undeliverable**
19 **certified mail, the commissioner, or his or her authorized representative, shall stay the**
20 **proceedings for up to one year from the date of the receipt of undeliverable certified mail**
21 **during which time the commissioner, or his or her authorized representative, shall make**
22 **all reasonable attempts to provide notice to the defaulting party. If notice cannot be**
23 **provided within one year, the commissioner, or his or her authorized representative, shall**
24 **render a decision in favor of the non-defaulting party.**

25 91:131 Unemployment Compensation; Contributions; Minimum Rate. Amend RSA 282-A:82, II-
26 III to read as follows:

27 II. There shall be subtracted in any calendar quarter from every employer's contribution
28 rate one percent whenever the unemployment compensation fund equals or exceeds [~~\$275,000,000~~]
29 **\$350,000,000** throughout the next preceding calendar quarter.

30 III. There shall be subtracted in any calendar quarter from every employer's contribution
31 rate 1.5 percent whenever the unemployment compensation fund equals or exceeds [~~\$300,000,000~~]
32 **\$400,000,000** throughout the next preceding calendar quarter.

33 91:132 Unemployment Compensation; Contributions; Inverse Minimum Rate. Amend RSA 282-
34 A:82-a, II-III to read as follows:

35 II. There shall be added in any calendar quarter to every such employer's contribution rate
36 one percent whenever the unemployment compensation fund fails to equal or exceed [~~\$275,000,000~~]
37 **\$350,000,000** throughout the next preceding calendar quarter.

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1 III. There shall be added in any calendar quarter to every such employer's contribution rate
2 .5 percent whenever the unemployment compensation fund fails to equal or exceed [~~\$300,000,000~~]
3 **\$400,000,000** throughout the next preceding calendar quarter.

4 91:133 Repeal. The following are repealed:

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

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

9 91:134 Liability for Obstruction or Injury to Highway; Civil Liability. Amend RSA 236:39 to
10 read as follows:

11 236:39 Civil Liability.

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

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

25 91:135 Repeal. 1959; 286, relative to the Sandwich Notch and Dale Road in the towns of
26 Sandwich and Thornton, is repealed.

27 91:136 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate.
28 Amend the section heading for RSA 4:39-c to read as follows:

29 4:39-c Disposal of Highway, **Federal**, or Turnpike Funded Real Estate.

30 91:137 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate.
31 Amend RSA 4:39-c, III to read as follows:

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

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1 *to the department for the purposes of meeting federal obligations or reimbursing the*
2 *highway fund for payment of federal obligations.*

3 91:138 New Paragraphs; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
4 inserting after paragraph XXVII the following new paragraphs:

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

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

9 91:139 New Paragraph; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
10 inserting after paragraph XXIX the following new paragraph:

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

12 91:140 New Hampshire Aeronautics Act; Duties of the Commissioner. Amend RSA 422:4, VI to
13 read as follows:

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

21 91:141 Department of Transportation; Appropriation Amended. Amend 2018;162:25, I to read
22 as follows:

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

28 91:142 Effective Date. Section 141 of this act shall take effect on June 30, 2021.

29 91:143 Department of Safety; Fund Transfer; Unfunded Positions; Authorization.

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

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

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1 91:144 Body-Worn and Dashboard Camera Fund. RSA 105-D:3 is repealed and reenacted to
2 read as follows:

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

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

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

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

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

16 IV. The fund shall be overseen by the commissioner of the department of safety and the
17 attorney general who shall, within 180 days of the effective date of this section, jointly establish a
18 process for the application for matching grants from the fund. Such process shall be established in
19 rules adopted jointly by the commissioner of safety and attorney general in accordance with RSA
20 541-A.

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

23 91:145 New Subparagraph; Application of Receipts; Body Worn and Dashboard Camera Fund.
24 Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

27 145-a Effective Date. Sections 144-145 of this act shall take effect July 1, 2021 at 12:01 a.m.

28 91:146 Body-Worn and Dashboard Camera Fund; Appropriation. The sum of \$1,000,000 for the
29 fiscal year ending June 30, 2022 is hereby appropriated to the body-worn and dashboard camera
30 fund established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of
31 any money in the treasury not otherwise appropriated.

32 91:147 Body Worn Cameras Purchase; Appropriation; Department of Corrections. There is
33 hereby appropriated to the department of corrections the sum of \$720,000 for the fiscal year ending
34 June 30, 2021 to fund the purchase of body worn cameras for corrections and probation and parole
35 officers. The governor is authorized to draw a warrant for said sum out of any money in the treasury
36 not otherwise appropriated. This appropriation shall not lapse until June 30, 2023.

37 91:148 Effective Date. Section 147 of this act shall take effect June 30, 2021.

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1 91:149 Department of Safety; Position Created. There is hereby established in the department
2 of safety, division of administration, the full-time classified position of business administrator I. The
3 commissioner of the department of safety may use the body-worn and dashboard camera fund
4 established in RSA 105-D:3 to fund the position.

5 91:150 New Section; Complaints Alleging Law Enforcement Misconduct; Commission
6 Established. Amend RSA 105-D by inserting after section 2 the following new section:

7 105-D:2-a Statewide Entity to Receive Complaints Alleging Misconduct Regarding Sworn and
8 Elected Law Enforcement Officers; Commission Established.

9 I. There is hereby established a commission to develop recommendations for legislation to
10 establish a single, neutral, and independent statewide entity to receive complaints alleging
11 misconduct regarding all sworn and elected law enforcement officers pursuant to recommendation
12 #16 in the final report issued by the New Hampshire commission on law enforcement accountability,
13 community and transparency. The commission shall be composed of the following members:

- 14 (a) The attorney general, or designee, who shall be the chairperson of the commission.
15 (b) One member of the house of representatives, appointed by the speaker of the house.
16 (c) One member of the senate, appointed by the president of the senate.
17 (d) The director of the New Hampshire police standards and training council, or
18 designee.
19 (e) The commissioner of safety, or designee.

20 (f) Four additional members from the New Hampshire commission on law enforcement
21 accountability, community and transparency established in Executive Order 2020-11, appointed by
22 the attorney general. Two of these members shall be law enforcement members and 2 of these
23 members shall not be law enforcement members.

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

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

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

31 91:151 Appropriation; Statewide Entity to Receive Complaints of Misconduct. The sum of
32 \$100,000 for the fiscal year ending June 30, 2023 is hereby appropriated the department of
33 administrative services which shall be available to fund an independent statewide entity to receive
34 complaints alleging misconduct regarding all sworn and elected law enforcement officers established
35 pursuant to recommendation #16 in the final report issued by the New Hampshire commission on
36 law enforcement accountability, community and transparency. Any unexpended amount of said

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1 appropriation shall lapse to the general fund on June 30, 2023. The governor is hereby authorized to
2 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 91:152 Contingency. If an independent statewide entity to receive complaints alleging
4 misconduct regarding all sworn and elected law enforcement officers as a result of recommendation
5 #16 in the final report issued by the New Hampshire commission on law enforcement accountability,
6 community, and transparency becomes law by July 1, 2022, then section 151 of this act shall take
7 effect July 1, 2022. If such an entity does not become law by July 1, 2022, then section 151 of this
8 act shall not take effect.

9 91:153 Effective Date. Section 151 of this act shall take effect as provided in section 152 of this
10 act.

11 91:154 Department of Safety; Radio Infrastructure Equipment Purchases; Procurement.

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

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

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

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

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

30 91:155 New Paragraph; Office of the Chief Medical Examiner; Definitions. Amend RSA 611-B:1
31 by inserting after paragraph II the following new paragraph:

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

34 91:156 New Section; Office of the Chief Medical Examiner; Associate Medical Examiner. Amend
35 RSA 611-B by inserting after section 3 the following new section:

36 611-B:3-a Associate Medical Examiner. There is hereby established within the office of the chief
37 medical examiner the position of associate medical examiner. The associate medical examiner shall

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1 be appointed in the same manner as the chief medical examiner as provided in RSA 611-B:2, and
2 shall be a licensed physician, certified by the American Board of Pathology as a qualified pathologist,
3 with training and experience in forensic medicine. The associate medical examiner shall serve under
4 the professional direction and supervision of the chief medical examiner and deputy chief medical
5 examiner and shall act as the chief medical examiner whenever the chief medical examiner and
6 deputy chief medical examiner are absent, or unable to act for any cause.

7 91:157 Office of the Chief Medical Examiner; Acting Chief Medical Examiner. Amend RSA 611-
8 B:4 to read as follows:

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

15 91:158 Department of Justice; Director of Diversity and Community Outreach; Position
16 Established. There is established within the department of justice an unclassified position of
17 director of diversity and community outreach. The director of diversity and community outreach
18 shall be qualified to hold the position by reason of education and experience, and shall be appointed
19 to serve for a term of 5 years. The position shall assist the attorney general and deputy attorney
20 general to establish goals and milestones towards creating a more diverse, inclusive, and culturally
21 aware law enforcement community through efforts that increase equity and cultural awareness
22 among state, county, local prosecution, law enforcement and diverse communities to foster positive
23 relationships, understanding and respect. The salary of the director of diversity and community
24 outreach shall be determined after assessment and review of the appropriate letter grade allocation
25 in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.
26 Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-200010-
27 2601.

28 91:159 New Paragraph; Department of Justice; Attorney General Position Established. Amend
29 RSA 21-M:3 by inserting after paragraph XII the following new paragraph:

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

35 91:160 Effective Date. Sections 158-159 of this act shall take effect July 1, 2023.

36 91:161 Judicial Council; Expenditures for Termination of Parental Rights Services. In the event
37 that expenditures for termination of parental rights services are greater than amounts appropriated

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1 in the operating budget, the judicial council may request, with prior approval of the fiscal committee
2 of the general court, that the governor and council authorize additional funding. For funds
3 requested and approved, the governor is authorized to draw a warrant from any money in the
4 treasury not otherwise appropriated.

5 91:162 College Tuition Savings Plan; Advisory Commission. Amend the introductory paragraph
6 in RSA 195-H:2, I(a) to read as follows:

7 I.(a) There is established the New Hampshire college tuition savings plan advisory
8 commission which shall ensure the proper administration and management of the savings plan. The
9 advisory commission shall ensure that the savings plan complies with the requirements of section
10 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the
11 savings plan. The commission shall also be responsible for ensuring the proper administration,
12 implementation, and management of the New Hampshire excellence in higher education endowment
13 trust fund established in RSA 6:38, and the governor's scholarship program and fund established in
14 ~~[RSA 4 C:31-34]~~ ***RSA 195-H:11-14. The commission, by a majority vote, may transfer funds***
15 ***between the New Hampshire excellence in higher education endowment trust fund and the***
16 ***governor's scholarship fund.*** The commission shall consist of the following members:

17 91:163 New Subdivision; Governor's Scholarship Program and Fund. Amend RSA 195-H by
18 inserting after section 10 the following new subdivision:

19 Governor's Scholarship Program and Fund

20 195-H:11 Definitions. In this subdivision:

21 I. "Eligible institution" means a postsecondary educational institution or training program
22 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary
23 educational institution within the community college system of New Hampshire as defined in RSA
24 188-F, or a private postsecondary institution approved to operate in this state that:

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

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

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

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

36 195-H:12 Governor's Scholarship Program and Fund Established.

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1 I. There is hereby established the governor's scholarship program and the governor's
2 scholarship fund. The program and fund shall be administered by the commission. The fund shall
3 be kept distinct and separate from all other funds and shall be used to provide scholarships which a
4 recipient shall apply to the costs of an education at an eligible institution. The funds shall be
5 distributed to an eligible institution based on the number of eligible students awarded a scholarship
6 and upon receipt of a request for reimbursement for such scholarship funds accompanied by
7 appropriate documentation.

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

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

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

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

17 195-H:13 Eligibility.

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

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

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

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

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

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

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1 III. A person shall not have been adjudicated delinquent or convicted or pled guilty or nolo
2 contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the
3 laws of this or any other state, or under the laws of the United States, except that an otherwise
4 eligible person who has been adjudicated delinquent or has been convicted or pled guilty or nolo
5 contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible
6 or continue to be eligible for a scholarship after the expiration of one academic year from the date of
7 adjudication, conviction, or plea.

8 195-H:14 Procedures.

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

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

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

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

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

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

34 91:164 Application of Receipts; Governor's Scholarship Program and Fund. Amend RSA 6:12,
35 I(b)(336) to read as follows:

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

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1 91:165 Allied Health Professionals; Re-ordering of Definitions. RSA 328-F:2 is repealed and
2 reenacted to read as follows:

3 328-F:2 Definitions. In this chapter:

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

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

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

9 IV. "Governing boards" means individual licensing boards of athletic trainers, occupational
10 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical
11 therapist assistants, respiratory care practitioners, speech-language pathologists and hearing care
12 providers, and genetic counselors.

13 V. "Hearing care providers" mean audiologists and hearing aid dealers as defined in RSA
14 326-F:1.

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

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

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

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

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

22 XI. "Speech-language pathology" means "speech-language pathology" as defined in RSA
23 326-F:1.

24 91:166 Allied Health Professionals; Governing Boards; Hearing Care Providers. Amend RSA
25 328-F:3, I to read as follows:

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

29 91:167 Allied Health Professionals; Governing Boards; Membership. Amend RSA 328-F:4, I to
30 read as follows:

31 I. Each governing board shall be composed of 5 persons, each to be appointed by the
32 governor with the approval of the council, to a term of 3 years, *except the speech-language*
33 *pathology and hearing care provider governing board which shall be composed of 6*
34 *members, each to be appointed by the governor with the approval of the council, to a term*
35 *of 3 years.* Members shall serve until the expiration of the term for which they have been
36 appointed or until their successors have been appointed and qualified. No board member shall be
37 appointed to more than 2 consecutive terms, provided that for this purpose only a period actually

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1 served which exceeds 1/2 of the 3-year term shall be deemed a full term. Any professional members
2 of all governing boards shall maintain current and unrestricted New Hampshire licenses.

3 91:168 Speech Language Pathology and Hearing Care Provider Governing Board; Membership.
4 Amend RSA 328-F:4, VIII to read as follows:

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

11 91:169 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Registration.
12 Amend RSA 328-F:5 by inserting after paragraph I-a the following new paragraph:

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

16 91:170 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Businesses.
17 Amend RSA 328-F:5 by inserting after paragraph II the following new paragraph:

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

19 91:171 New Paragraph; Allied Health Professionals; Governing Boards; Rulemaking; Hearing
20 Aid Dealers. Amend RSA 328-F:11 by inserting after paragraph II the following new paragraph:

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

24 91:172 Allied Health Professionals; Governing Board; Fees. Amend RSA 328-F:15, I to read as
25 follows:

26 I. The board of directors shall establish fees for:

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

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

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

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

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

33 (f) Transcribing and transferring records.

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

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

2 91:173 Allied Health Professionals; Governing Boards; Initial Licenses, Certifications, and
3 Registrations. Amend RSA 328-F:18, IV to read as follows:

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

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

10 (b) Numbered consecutively and recorded.

11 91:174 Allied Health Professionals; License Provisions; Renewal. Amend RSA 328-F:19 to read
12 as follows:

13 328-F:19 Renewal.

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

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

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

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

34 IV. The governing boards shall provide licensees ***whose licenses expire on December 31***
35 ***of the renewal year***, on or before November 1 of their renewal years, with materials needed to
36 complete their renewal applications, but failure of any licensees to receive these materials shall not
37 relieve them of the obligation to comply with the rules of the governing boards and this section.

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1 Timeliness of submission of renewal applications shall be evidenced by postmark or, for applications
2 delivered by hand, by date stamp or other record made at the time of delivery.

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

8 91:175 Allied Health Professionals; License Provisions; Obligation to Report. Amend RSA 328-
9 F:25, I and II to read as follows:

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

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

23 91:176 Allied Health Professionals; Unauthorized Practice. Amend RSA 328-F:27, II to read as
24 follows:

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

31 91:177 Speech Language Pathology Practice. Amend the chapter heading of RSA 326-F to read
32 as follows:

33 CHAPTER 326-F

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

35 91:178 Speech-Language Pathology and Hearing Care Providers Practice; Definitions. RSA
36 326-F:1 is repealed and reenacted to read as follows:

37 326-F:1 Definitions. In this chapter and RSA 328-F:

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1 I. "Audiologist" means any person who renders or offers to render to the public any service
2 involving the application of principles, methods, and procedures for the measurement of testing,
3 identification, appraisal, consultation, counseling, instruction, and research related to the
4 development and disorders of hearing and vestibular function for the purpose of diagnosing,
5 designing, and implementing programs for the amelioration of such disorders and conditions.

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

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

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

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

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

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

24 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and
25 preventing hearing disorders.

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

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

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

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

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1 (f) Providing occupational hearing conservation.

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

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

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

7 (c) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
8 cognitive communication disorders.

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

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

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

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

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

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

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

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

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

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1 91:179 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 91:180 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 91:181 Speech Language Pathology and Hearing Care Providers Practice; Eligibility for
22 Renewal of 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 91:182 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 91:183 New Sections; Registration of Hearing Aid Dealers; Temporary Licensure for
2 Audiologists; Audiologists From Other Jurisdictions; Disclosure to Customers; Unsolicited Home
3 Sales Prohibited; Return of Hearing Aid; Deceptive Advertising Prohibited. Amend RSA 326-F by
4 inserting after 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 audiotogically 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 audiotogically 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 91:184 General Administration of Regulatory Boards and Commissions; Reciprocity
4 Information. 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 Repeal. RSA 137-F, relative to hearing care providers, is repealed.

13 91:186 Transition; Rules; Hearing Care Providers.

14 I. The rules adopted for hearing care providers under the former RSA 137-F in effect on the
15 effective date of this act shall, to the extent practicable, continue and be effective and apply to
16 hearing care providers until they expire or are amended or repealed.

17 II. Registrations or licenses of hearing care providers under the former RSA 137-F shall be
18 valid until they expire or are revoked or suspended as provided in RSA 326-F as amended by section
19 183 of this act.

20 91:187 New Chapter; Department of Energy. Amend RSA by inserting after chapter 12-O the
21 following new chapter:

CHAPTER 12-P

DEPARTMENT OF ENERGY

22 12-P:1 Definitions. In this chapter:

23 I. "Commission" means the public utilities commission.

24 II. "Commissioner" means the commissioner of energy.

25 III. "Department" means the department of energy.

26 12-P:2 Establishment; Purpose.

27 I. There shall be a department of energy under the executive direction of a commissioner of
28 energy and consisting of the divisions of administration, policy and programs, enforcement, and
29 regulatory support.

30 II. The purpose of this chapter is to improve the administration of state government by
31 providing unified direction of policies, programs, and personnel in the field of energy and utilities,
32 making possible increased efficiency and economies from integrated administration and operation of
33 the various energy and utility related functions of the state government.
34
35

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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

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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:

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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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1 (b) The department may grant waivers from the rules as necessary for the development
2 of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be
3 intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a
4 waiver shall include the goals of the innovative project, the expected cost, the expected benefit to
5 ratepayers and the expected reduction in greenhouse gas emissions.

6 (c) For the purposes of this paragraph, "lost and unaccounted for gas" shall mean an
7 amount of gas that is the difference between the total gas purchased by a gas company and the sum
8 of: (1) total gas delivered to customers; and (2) total gas used by a gas company in the conduct of its
9 operations.

10 III. This section shall not in any way affect the utility or non-utility status of any supplier of
11 natural gas or aggregator of natural gas customers, nor shall it be construed to limit the
12 commission's and the department of energy's existing authority with regard to the regulation of gas
13 utilities or the scope of the commission's and the department's authority in considering whether to
14 expand the availability of competitive natural gas supplies through the distribution system of gas
15 utilities.

16 91:188 Department of Energy; Interim Commissioner. Until appointment of a commissioner
17 under RSA 12-P:4, the governor may initially designate an interim commissioner to serve for up to
18 60 days from the effective date of this section.

19 91:189 Repeals. The following are repealed:

20 I. RSA 4-C, relative to the office of strategic initiatives; the governor's scholarship program
21 and fund, and state demography.

22 II. RSA 4-E, relative to the state energy strategy.

23 III. RSA 12-O:51 and 52, relative to the office of offshore wind industry development.

24 91:190 Office of Strategic Initiatives; Revolving Funds; Reference Change. Amend RSA 6:12,
25 I(b) (79) to read as follows:

26 (79) Moneys deposited in the publications revolving fund under ***RSA 12-O:60, I***
27 [~~*RSA 4-C:9-a*~~].

28 91:191 Office of Strategic Initiatives; Revolving Funds; Reference Change. Amend RSA 6:12,
29 I(b)(169)

30 (169) Moneys deposited in the municipal and regional training fund under ***RSA 12-***
31 ***O:60, II*** [~~*RSA 4-C:9-a, II*~~].

32 91:192 Organization of the Executive Branch. Amend RSA 21-G:6-b, II to read as follows:

33 II. The executive departments are as follows:

34 (a) The department of administrative services.

35 (b) The department of agriculture, markets, and food.

36 (c) The department of banking.

37 (d) The department of business and economic affairs.

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- 1 (e) The department of corrections.
- 2 (f) The department of education.
- 3 (g) The department of employment security.
- 4 **(h) The department of energy.**
- 5 [~~(h)~~] **(i)** The department of environmental services.
- 6 [~~(i)~~] **(j)** The department of health and human services.
- 7 [~~(j)~~] **(k)** The department of information technology.
- 8 [~~(k)~~] **(l)** The department of insurance.
- 9 [~~(l)~~] **(m)** The department of labor.
- 10 [~~(m)~~] **(n)** The department of military affairs and veteran services.
- 11 [~~(n)~~] **(o)** The department of natural and cultural resources.
- 12 [~~(o)~~] **(p)** The department of revenue administration.
- 13 [~~(p)~~] **(q)** The department of safety.
- 14 [~~(q)~~] **(r)** The department of transportation.

15 91:193 Department of Energy; Unclassified Positions Established.

16 I. The following positions are hereby established in the department of energy, shall be
17 qualified by reason of education and experience, and shall be appointed and perform assigned duties
18 according to applicable law:

19 Labor Grade	Title	Job Code	Position #
20 GG	Director of Regulatory Support	9U9962	GV008
21 GG	Director of Enforcement	9U9963	GV009
22 GG	Director of Policy & Programs	9U9964	GV010
23 GG	Director of Administration	9U9966	GV012
24 HH	Deputy Commissioner of Energy	9U9967	GV013
25 II	Commissioner of Energy	9U9968	GV020

26 II. The permanent salaries of these positions shall be determined after assessment and
27 review of the appropriate letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
28 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

29 91:194 Public Utilities Commission; Unclassified Positions Established.

30 I. The following positions are hereby established in the public utilities commission, shall be
31 qualified by reason of education or experience or both in one or more of the following areas:
32 engineering, economics, accounting, finance, or law; and shall be appointed by the agency head and
33 perform assigned duties according to applicable law. Each position shall be temporarily assigned to
34 its respective unclassified salary letter grade, as follows:

35 Labor Grade	Title	Job Code	Position #
36 GG	Senior Advisor	9U9969	GV014
37 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 91:195 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:

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.

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1 VI. Cooperate with the Bureau of the Census and other federal agencies with the objective of
2 improving access to the statistical products, data, and information of the federal government.

3 VII. Annually estimate the resident population for all cities and towns of the state pursuant
4 to RSA 78-A:25.

5 12-O:56 Policies and Plans.

6 I. The office of planning and development shall formulate policies and plans for
7 consideration by the commissioner and the governor which serve to integrate and coordinate
8 resource and development activities affecting more than one state agency, level of government, or
9 governmental function. Such activities may include, but shall not be limited to, the following subject
10 areas:

- 11 (a) Water resources.
- 12 (b) Transportation.
- 13 (c) Recreation and natural resources.
- 14 (d) Solid waste and hazardous waste management.
- 15 (e) Off-shore, coastal, and estuarine resources.
- 16 (f) Housing.
- 17 (g) Economic development.
- 18 (h) Energy.
- 19 (i) Shoreland protection.
- 20 (j) Smart growth.

21 12-O:57 Program Established. The director of the office of planning and development shall
22 establish a program of regional and municipal assistance within the office of planning and
23 development. This program shall coordinate state, regional, and local planning efforts with the goal
24 of assuring delivery of efficient and effective assistance to local governments in areas related to
25 growth management and resource protection.

26 12-O:58 Responsibilities for Assistance. The office of planning and development shall:

27 I. Provide technical assistance and, within the limits of biennial legislative appropriations,
28 financial grants to regional planning commissions established under RSA 36:45-36:53 in support of:

- 29 (a) Planning assistance to local units of government.
- 30 (b) Preparation of regional plans.
- 31 (c) Contributions to and coordination with statewide planning and management

32 activities, including the formulation and updating of the comprehensive state development plan
33 prepared pursuant to RSA 12-O:54.

34 II. As requested and in cooperation with regional planning commissions, provide technical
35 assistance and information in support of the planning and growth management efforts of local units
36 of government, including training requested under RSA 673:3-a. The office shall encourage
37 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, office of planning and development, 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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1 (b) The amount in the nonlapsing municipal and regional training revolving fund shall
2 not exceed \$20,000 on June 30 of each year and any amounts in excess of \$20,000 on June 30 of each
3 year shall be deposited in the general fund as unrestricted revenue.

4 91:196 State Development Plan. Amend RSA 9-A:2 to read as follows:

5 9-A:2 [~~Office of Strategic Initiatives~~] **Office of Planning and Development**. The office of
6 [~~strategic initiatives~~] **planning and development**, under the direction of the [~~governor~~]
7 **commissioner of business and economic affairs**, shall:

8 I. Assist the [~~governor~~] **commissioner** in preparing, publishing and revising the
9 comprehensive development plan.

10 II. Develop and maintain a technical data base of information to support statewide policy
11 development and planning.

12 III. Coordinate and monitor the planning efforts of various state agencies and departments
13 to ensure that program plans published by such agencies are consistent with the policies and
14 priorities established in the comprehensive development plan.

15 IV. Coordinate and monitor the planning efforts of the regional planning commissions.

16 91:197 State Development Plan; References Changed. Amend RSA 9-A:4 to read as follows:

17 9-A:4 Consultation With Other Agencies.

18 I. In preparing the state development plan, the office of [~~strategic initiatives~~] **planning and**
19 **development** shall consult with the chief executive officers of the various departments and agencies
20 of state government with responsibilities which are relevant to economic development.

21 II. The office may also consult with officials of regional and local planning and development
22 agencies and representatives of business and industry.

23 III. All state agencies and departments shall provide the office of [~~strategic initiatives~~]
24 **planning and development** with such information and assistance required by the office to fulfill
25 its responsibilities under RSA 9-A:2. The office shall maintain the confidentiality of any information
26 which is protected by law.

27 91:198 Name Change; Office of Planning and Development. Amend the following RSAs by
28 replacing "office of strategic initiatives" with "office of planning and development": RSA 4-F:1; 12-
29 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;
30 162-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;
31 238:20; 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-
32 B:16; 483-B:22; 485-A:4; 673:3-a; 674:3; 675:9.

33 91:199 Council on Resources and Development; Membership. Amend RSA 162-C:1 to read as
34 follows:

35 162-C:1 Council Established. There is established a council on resources and development
36 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 ~~[H.]~~ The commissioner or appropriate division director, department of business and economic
4 affairs, or designee, *who shall serve as chairperson of the council.*

5 ~~[HH.]~~ **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 91:200 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 91:201 Reference Changed: State Energy Strategy; Offshore Wind Commission. Amend RSA
28 374-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

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1 established in Executive Order 2019-06 as to assist the commission in reaching its
2 recommendations.

3 91:202 Reference Changed; State Energy Policy; Least Cost Energy Planning. Amend RSA
4 378:38, VII to read as follows:

5 VII. An assessment of plan integration and consistency with the state energy strategy under
6 RSA ~~[4-E:1]~~ **12-P**.

7 91:203 Reference Changed; Motor Vehicle Waste Fee. Amend the introductory paragraph of
8 RSA 261:153, V to read as follows:

9 V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I,
10 there may be collected an additional fee for the purposes of a town reclamation trust fund as
11 established in RSA 149-M:18. Of this amount, \$.50 shall be retained by the city official designated
12 by the city government or by the town clerk for administrative costs and the remaining amount shall
13 be deposited into the reclamation trust fund established by the town for the purpose of paying
14 collection and disposal fees for the town's motor vehicle waste and paying for the recycling and
15 reclamation of other types of solid waste. For the purposes of this paragraph, "motor vehicle waste"
16 means "motor vehicle waste" as defined in RSA 149-M:18. A town which collects such additional fees
17 shall not charge a disposal fee for motor vehicle waste at the town's solid waste disposal facility. If a
18 town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor
19 vehicle waste, it shall notify the office of ~~[strategic initiatives]~~ **planning and development**. The
20 office shall study the fee in accordance with RSA ~~[4-C:1]~~ **12-O:53** and make recommendations, if
21 necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle
22 as follows:

23 91:204 Public Utilities Commission; Commission; Term. Amend RSA 363:1 to read as follows:

24 363:1 Commission; Term. There shall be a public utilities commission, ***which shall be an***
25 ***independent agency administratively attached to the department of energy pursuant to***
26 ***RSA 21-G:10. The chair of the commission shall have the powers and duties set forth in***
27 ***RSA 21-G:9. The commission shall be*** composed of 3 commissioners who shall be full-time
28 employees and who shall engage in no other gainful employment during their terms as members.
29 Their term of office shall be for 6 years. Of the 3 commissioners, one shall be an attorney and a
30 member of the New Hampshire Bar and one shall have either background or experience or both in
31 one or more of the following: engineering, economics, accounting or finance.

32 91:205 Repeal. RSA 363:4-a, relative to duties of commissioners of the public utilities
33 commission, is repealed.

34 91:206 Public Utilities Commission; Prohibition on Future Employment. Amend RSA 363:12-b
35 to read as follows:

36 363:12-b Prohibition on Future Employment. No commissioner, ***or former*** executive director,
37 finance director, ***or*** general counsel~~[or chief engineer]~~ of the commission shall accept any

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1 employment with any utility under the control of the commission until one year after he or she shall
2 become separated from the commission.

3 91:207 Public Utilities Commission; Quorum. Amend RSA 363:16 to read as follows:

4 363:16 Quorum. A majority of the commission shall constitute a quorum to issue orders [~~or~~
5 ~~adopt rules~~], and any hearing [~~or investigation~~] may be held or conducted by 2 commissioners or by a
6 single commissioner.

7 91:208 Public Utilities Commission; Request for Full Commission. Amend RSA 363:17 to read
8 as follows:

9 363:17 Request for Full Commission. No hearing [~~or investigation~~], except in accident cases,
10 shall be held or conducted by a single commissioner if any party whose interests may be affected
11 shall, 5 days before the date of hearing, file a request in writing that the same be held or conducted
12 by the full commission, or a majority thereof. If no such request is filed, the commission may assign
13 one of its members or appoint a qualified member of its staff as examiner to hear the parties, report
14 the facts, and make recommendations to the commission.

15 91:209 Repeal. The following are repealed:

16 I. RSA 363:18-a, relative to the authority of the public utilities commission to contract for
17 power.

18 II. RSA 363:22-a, relative to pipeline operation safety.

19 91:210 Public Utilities Commission; Staff. Amend RSA 363:27 to read as follows:

20 363:27 Staff[~~; Separation of Functions~~].

21 I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the
22 commission shall have the power, subject to the state personnel regulations and within the limits of
23 the appropriation for such purpose, to employ and fix the compensation of such regular staff,
24 including experts, as it shall deem necessary. Notwithstanding any other provision of law, if the
25 expenditure of additional funds over budget estimates is necessary for the proper functioning of the
26 public utilities commission, the governor and council, with the prior approval of the fiscal committee
27 of the general court, upon request from the commission, may authorize an additional assessment
28 pursuant to RSA 363-A for such purpose.

29 II. The staff of the commission shall be organized as the [~~commission~~] **chairperson**
30 determines best achieves its statutory responsibilities.

31 III. [~~Executive Director and General Counsel. The commission shall appoint an executive~~
32 ~~director, who shall serve for a term of 4 years. The commission shall also appoint a general counsel,~~
33 ~~who shall serve for a term of 4 years and until a successor is appointed and qualified.] **"Staff"**
34 **means the employees of the commission and any consultants and other contractors**
35 **retained by the commission for the purpose of assisting the commission and its employees**
36 **in providing advice or information, or for the purpose of supplementing the work of the**
37 **commission and its employees.**~~

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1 ~~[IV. Director of Safety and Security. The commission shall appoint a director of safety and~~
2 ~~security, who shall serve a term of 4 years. The director of safety and security shall be qualified to~~
3 ~~hold that position by reason of education and experience and shall perform such duties as are~~
4 ~~assigned by the chairman of the commission.]~~

5 91:211 Office of the Consumer Advocate; Attachment to Department of Energy. Amend the
6 introductory paragraph of RSA 363:28, I to read as follows:

7 I. The office of the consumer advocate shall be an independent agency administratively
8 attached to the ~~[public utilities commission]~~ **department of energy** pursuant to RSA 21-G:10. The
9 office shall consist of the following:

10 91:212 Office of the Consumer Advocate; Attachment to Department of Energy. Amend RSA
11 363:28, III to read as follows:

12 III. The consumer advocate shall have authority to contract for outside consultants within
13 the limits of funds available to the office. With the approval of the fiscal committee of the general
14 court and the governor and council, the office of the consumer advocate may employ experts to assist
15 it in proceedings before the public utilities commission, and may pay them reasonable compensation.
16 The ~~[public utilities commission]~~ **department of energy** shall charge a special assessment for any
17 such amounts against any utility participating in such proceedings and shall provide for the timely
18 recovery of such amounts for the affected utility.

19 91:213 Repeal. RSA 363:30 through RSA 363:36, relative to participation of staff of the public
20 utilities commission in adjudicative proceedings, are repealed.

21 91:214 Public Utilities Commission; Complaints. Amend RSA 363:39 to read as follows:

22 363:39 Complaints ~~[to the Commission]~~. When complaints to the ~~[public utilities commission]~~
23 **department of energy** are initiated by residential customers, the ~~[commission]~~ **department** shall
24 provide to the consumer advocate access to the complaint, by paper or electronically, with the
25 customer name blocked out, at the same time as the ~~[commission]~~ **department** forwards the
26 complaint to the utility in compliance with ~~[commission]~~ **department** rules.

27 91:215 Electric Vehicle Charging Stations Infrastructure Commission; Membership. Amend
28 RSA 4-G:1, II(a)(1) to read as follows:

29 (1) ~~[Office of strategic initiatives]~~ **Department of energy**.

30 91:216 Electric Vehicle Charging Stations Infrastructure Commission; Duties. Amend RSA 4-
31 G:1, III(f) to read as follows:

32 (f) Changes needed to state laws, rules, and practices, including building codes,
33 **department of energy rules**, and public utilities commission rules, to further the development of
34 zero emission vehicle technology and infrastructure.

35 91:217 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders.
36 Amend RSA 6:12-b to read as follows:

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1 6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On
2 request of the ~~[public utilities commission]~~ **department of energy**, the state treasurer shall
3 maintain custody over funds collected by order of the public utilities commission consisting of only
4 that portion of the system benefits charge directly attributable to programs for low income customers
5 as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this
6 section shall be kept separate from any other funds and shall be administered in accordance with
7 terms and conditions established by the ~~[public utilities commission]~~ **department of energy**. Plans
8 for the administration of such funds shall be approved by the fiscal committee of the general court
9 and the governor and council prior to submission to the ~~[public utilities commission]~~ **department of**
10 **energy**. Appropriations and expenditures of such funds in fiscal years 2002 and 2003 shall be
11 approved by the fiscal committee of the general court and the governor and council prior to
12 submission to the ~~[public utilities commission]~~ **department of energy**. For each biennium
13 thereafter, appropriations and expenditures of such funds shall be made through the biennial
14 operating budget.

15 91:218 Energy Efficiency and Clean Energy Districts. Amend RSA 53-F:6, I to read as follows:

16 I. Improvements financed pursuant to an agreement under this chapter shall be based upon
17 an audit performed by a person who has been certified as a building analyst by the Building
18 Performance Institute or who has obtained other appropriate certification as determined by the
19 ~~[public utilities commission]~~ **department of energy** or another appropriate New Hampshire-based
20 entity. The audit shall identify recommended energy conservation and efficiency and clean energy
21 improvements; provide the estimated energy cost savings, useful life, benefit-cost ratio, and simple
22 payback or return on investment for each improvement; and provide the estimated overall difference
23 in annual energy costs with and without recommended improvements. Financed improvements
24 shall be consistent with the audit recommendations. The cost of the audit may be included in the
25 total amount financed under this chapter.

26 91:219 Enhanced 911 Commission; Membership. Amend the introductory paragraph of RSA
27 106-H:3, I(a) to read as follows:

28 (a) There is hereby established an enhanced 911 commission consisting of 19 members,
29 including the director of the division of fire standards and training and emergency medical services
30 or designee, the ~~[chairman of the public utilities commission]~~ **commissioner of the department of**
31 **energy** or designee, the commissioner of the department of safety or designee, a public member, a
32 police officer experienced in responding to emergency calls, a representative of the disabled
33 community, and one active member recommended by each of the following organizations, nominated
34 by the governor with the approval of the council:

35 91:220 Energy Efficiency and Sustainable Energy Board; Membership. Amend RSA 125-O:5-a,
36 II(b) to read as follows:

37 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 ampersand 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 91:221 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 91:222 Nuclear Decommissioning Financing Committee; Membership. Amend RSA 162-F:15, II
16 to 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 91:223 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 91:224 New Hampshire Building Code; Energy Code Compliance Form. Amend RSA 155-A:10-a
33 to 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

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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 91:225 Organization of Nuclear Decommissioning Financing Committees. Amend RSA 162-
11 F:17, I 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 91:226 Decommissioning of Nuclear Electric Generating Facilities; Report; Public Hearing.
19 Amend 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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1 consideration by the committee when it formalizes the payment schedule plan. All testimony shall
2 be transcribed and made a permanent record.

3 91:227 Site Evaluation Committee; Membership; Administrative Attachment. Amend RSA 162-
4 H:3, IV to read as follows:

5 IV. The committee shall be administratively attached to the [~~public utilities commission~~]
6 **department of energy** pursuant to RSA 21-G:10.

7 91:228 Committee Established. There is established a committee to study necessary revisions to
8 the site evaluation committee.

9 I. The members of the committee shall be as follows:

10 (a) Two members of the senate, appointed by the president of the senate.

11 (b) Three members of the house of representatives, at least one of whom shall be a
12 member of the science, technology, and energy committee, one of whom shall be a member of the
13 finance committee, and at least one of whom shall be a member of the minority party, appointed by
14 the speaker of the house of representatives.

15 II. Members of the committee shall receive mileage at the legislative rate when attending to
16 the duties of the committee.

17 III. The committee shall:

18 (a) Evaluate the current structure, processes, authorities, funding, and functions of the
19 site evaluation committee and whether the statutory purpose and original legislative intent of the
20 site evaluation committee is being achieved.

21 (b) Review the structure, processes, authorities, funding, and functions of public bodies
22 with jurisdiction over siting large energy facilities that have been established by other states.

23 (c) Consider the site evaluation committee's relationship to the department of energy
24 and other state agencies.

25 (d) Review the timeliness of site evaluation committee decisions, the on-going
26 enforcement of certificates issued by the site evaluation committee, public input to the orderly siting
27 of energy infrastructure, and any changes required to minimize delays siting energy infrastructure.

28 (e) Make recommendations for legislation to restructure the site evaluation committee
29 no later than October 1, 2021.

30 IV. The members of the study committee shall elect a chairperson from among the members.
31 The first meeting of the committee shall be called by the first-named senate member. The first
32 meeting of the committee shall be held within 45 days of the effective date of this section. Three
33 members of the committee shall constitute a quorum.

34 V. The committee shall report its findings and any recommendations for proposed legislation
35 to the president of the senate, the speaker of the house of representatives, the senate clerk, the
36 house clerk, the governor, and the state library on or before October 1, 2021.

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1 91:229 Minimum Energy Efficiency Standards for Certain Products; Definitions. Amend RSA
2 339-G:1, II to read as follows:

3 II. [~~"Commission" means the public utilities commission.~~] **"Department" means the**
4 **department of energy.**

5 91:230 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 91:231 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 91:232 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 91:233 Reference Change; Net Energy Metering; Department of Energy. Amend the following
16 RSA provisions by replacing the term "commission" with "department": 362-A:9, X-XII.

17 91:234 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-

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1 effective method of doing so according to an amount or percentage specified for each member on PUC
2 form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition
3 from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate
4 income community solar projects, as defined in RSA 362-F:2, X-a. On or before July 1, 2022, the
5 ~~[commission]~~ **department** shall report on the costs and benefits of such an addition and the
6 development of the market for low-moderate income community solar projects, and provide a
7 recommendation on whether the addition shall be increased or decreased. The ~~[commission]~~
8 **department** shall report on the costs and benefits of low-moderate income community solar projects,
9 as defined in RSA 362-F:2, X-a on or before June 1, 2020. The ~~[commission]~~ **department** shall
10 authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2,
11 X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for
12 all group host systems except for residential systems with an interconnected capacity under 15
13 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus
14 generation for which it was paid is greater than the group's total electricity usage during the same
15 time period. The adjustment shall be such that the resulting compensation to the host for the
16 amount that exceeded the group's total usage shall be at the utility's avoided cost or its default
17 service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be
18 applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

19 (d) [Repealed.]

20 (e) The **department is authorized to petition the** commission ~~[is authorized]~~ to assess
21 fines against, revoke the registration of, and prohibit from doing business in the state, any group
22 host which violates the requirements of this paragraph and rules adopted pursuant to this
23 paragraph. **The commission is authorized to grant or deny such petitions.**

24 91:235 Repeal. RSA 362-F:2, IV, relative to the definition of "commission" as it pertains to
25 electric renewable portfolio standards, is repealed.

26 91:236 Electric Renewable Energy Classes; Reference Changed. Amend RSA 362-F:4, I(i)-(k) to
27 read as follows:

28 (i) The incremental new production of electricity in any year from an eligible biomass or
29 methane source or any hydroelectric generating facility licensed or exempted by Federal Energy
30 Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical
31 generation baseline, provided the ~~[commission]~~ **department of energy** certifies demonstrable
32 completion of capital investments attributable to the efficiency improvements, additions of capacity,
33 or increased renewable energy output that are sufficient to, were intended to, and can be
34 demonstrated to increase annual renewable electricity output. The determination of incremental
35 production shall not be based on any operational changes at such facility but rather on capital
36 investments in efficiency improvements or additions of capacity.

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1 (j) The production of electricity from a class III or IV source that has begun operation as
2 a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and
3 equipment, but not its property and intangible assets, is derived from capital investment directly
4 related to restoring generation or increasing capacity including department permitting requirements
5 for new plants. Such production shall not qualify for class III or IV certificates. Commencing July 1,
6 2013, a class III source eligible as a class I source under this subparagraph or subparagraph (i) may
7 submit a notice to the [~~commission~~] **department of energy** electing to be a class III source instead
8 of a class I source. Once such notice is given, the production from such a source shall qualify for
9 class III certificates, provided the source meets the other requirements of a class III eligible biomass
10 technology.

11 (k) The production of electricity from any fossil-fueled generating facility that originally
12 commenced operation prior to January 1, 2006, if after January 1, 2012 such facility co-fires with
13 class I eligible biomass fuels to displace the combustion of an amount of fossil fuels. The portion of
14 the total electrical energy output that qualifies as class I from a facility in a given time period shall
15 be the fraction of electrical production derived from the combustion of biomass fuels based on the
16 heat input at the facility in that time period as determined by the [~~commission~~] **department of**
17 **energy** in consultation with the department. To qualify under this paragraph, the electricity
18 generation facility that co-fires with biomass fuels shall:

19 (1) Either have a quarterly average nitrogen oxide (NO_x) emission rate, as measured
20 and verified under RSA 362-F:12, of less than or equal to 0.075 pounds/million British thermal units
21 (lbs/Mmbtu) or be a participant in a plan approved by the department for reductions in NO_x from
22 other emission sources. The quantity of reductions required shall be the fraction of electrical
23 production derived from the combustion of biomass fuels, as determined under this paragraph,
24 multiplied by the difference between the generation unit's NO_x emissions rate and the 0.075
25 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or individually, in NO_x
26 emissions from other emission sources under the jurisdiction of the department and demonstrate
27 that the reductions will be quantifiable. The department shall expeditiously review the plan and, if
28 approved, provide such information as it deems relevant to the [~~commission~~] **department of energy**.
29 The application submitted to the [~~commission~~] **department of energy** under RSA 362-F:11 shall
30 inform the [~~commission~~] **department of energy** of the plan and the [~~commission~~] **department of**
31 **energy** shall certify the source in accordance with the plan approved by the department; and

32 (2) Either have an average particulate emission rate, as measured and verified
33 under RSA 362-F:12, of less than or equal to 0.02 lbs/Mmbtu or be a participant in a plan approved
34 by the department for reductions in particulate matter emissions from emission sources owned by or
35 affiliated with the co-firing entity. The quantity of reductions required shall be the fraction of
36 electrical production derived from the combustion of biomass fuels, as determined under this
37 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 91:237 Electric Renewable Energy Classes; Reference Change. Amend RSA 362-F:4, IV-VI to
10 read 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 91:238 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 91:239 Electric Renewable Portfolio Standard; Information Collection; Reference Change.
19 Amend 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 91:240 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10
8 to 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 91:241 References Change; Electric Renewable Portfolio Standards; Department of Energy.
31 Amend the following RSA provisions by replacing "commission" with "department of energy": 362-
32 F:5, 362-F:6, I-IV, 362-F:9, 362-F:11, 362-F:12, 362-F:13, 362-F:14.

33 91:242 Expenses of the Public Utilities Commission Against Certain Utilities. Amend RSA 363-
34 A:1 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*

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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 91:243 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 91:244 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 91:245 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

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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 91:246 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 91:247 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 91:248 Complaints to the Department of Energy and Proceedings Before the Commission.
17 Amend 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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1 inquiry in regard to any rate charged or proposed or to any act or thing having been done or having
2 been omitted or proposed by any such utility in violation of any provision of law or order of the
3 commission *or the department*.

4 365:6 Inspection. ~~[The]~~ ***Both the commission and the department of energy*** may at any time
5 personally, or by its experts or agents, inspect the property, works, system, plant, devices, appliances
6 and methods used by any public utility, or its books, papers and records.

7 365:7 Authority to Inspect. Any expert or agent of the ***department of energy or the***
8 ***commission***, who shall make a demand on behalf of the commission *or the department* to be
9 allowed to inspect as provided in RSA 365:6, shall produce written authority to make such inspection
10 signed by the ~~[secretary or assistant secretary or some member]~~ ***chairperson*** of the commission *or*
11 ***the commissioner of the department of energy***.

12 91:249 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, I(j) to read as
13 follows:

14 (j) Standards and procedures for determination and recovery of rate ~~[ease]~~ ***proceedings***
15 expenses.

16 91:250 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, II to read as
17 follows:

18 II. Where the commission has adopted rules in conformity with this section, ~~[complaints to~~
19 ~~and]~~ proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

20 91:251 Repeal. The following are repealed:

21 I. RSA 365:8-a, relative to suppliers of natural gas an aggregators of natural gas customers.

22 II. RSA 374-F:4, III, relative to certain compliance filings filed with the public utilities
23 commission.

24 91:252 Complaints to Department of Energy and Public Utilities Commission; Expense of
25 Investigations; Rate Proceeding. Amend RSA 365:37 and 365:38 to read as follows:

26 365:37 Expense of Investigations.

27 I. Whenever any investigation ***by the commission or the department of energy*** shall be
28 necessary to enable the commission to pass upon any petition for authority to issue stocks, bonds,
29 notes, or other evidence of indebtedness, for authority to operate as a public utility or to expand
30 operations as a public utility, to make extensions into new territory, to discontinue service, to
31 condemn property for flowage rights and dam construction, or for authority to sell, consolidate,
32 merge, transfer, or lease the plant, works, or system of any public utility, or any part of the same, or
33 for any other matter which requires the ~~[commission's]~~ approval ***of the commission or the***
34 ***department of energy***, the petitioner shall pay to the ~~[commission]~~ ***department of energy*** the
35 expense involved in the investigation of the matters covered by said petition, including the amounts
36 expended for experts, accountants, or other assistants. Such expense shall not include any part of
37 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 91:253 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 91:254 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

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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 91:255 References Change; Service Equipment of Public Utilities; Department of Energy.
6 Amend the following RSA provisions by replacing "commission" with "department of energy": 370:2,
7 370:8, 370:9.

8 91:256 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 91:257 Service Equipment of Public Utilities; Department of Energy. Amend RSA 370:3
14 through 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 91:258 Rights in Public Waters and Lands; License by Notification of New Attachments on
4 Existing 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 91:259 Rights in Public Waters and Lands; Hearing; Order. Amend RSA 371:20 to read as
23 follows:

24 371:20 Hearing; Order. **Whenever a hearing shall be necessary**, the commission shall hear
25 all parties interested; and, in case it shall find that the license petitioned for, subject to such
26 modifications and conditions, if any, and for such period as the commission may determine, may be
27 exercised without substantially affecting the public rights in said waters or lands, it shall render
28 judgment granting such license. Provided, however, that such license may be granted **by the**
29 **department of energy** without hearing when all interested parties are in agreement and in cases
30 involving filings made under RSA 371:17-a and RSA 371:17-b. [~~The executive director of the~~
31 ~~commission may issue licenses under RSA 371:17-a and RSA 371:17-b.~~]

32 91:260 References Changed; Proceedings to Acquire Property or Rights; Rights in Public Waters
33 and Lands; Department of Energy. Amend the following RSA provisions by replacing "commission"
34 with "department of energy": 371:17, 371:18, 371:19.

35 91:261 Extent of Power. Amend RSA 374:3 to read as follows:

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1 374:3 Extent of Power. The public utilities commission *and department of energy* shall have
2 the general supervision of all public utilities and the plants owned, operated or controlled by the
3 same so far as necessary to carry into effect the provisions of this title.

4 91:262 Supervisory Power of Department of Energy and Public Utilities Commission. Amend
5 the subdivision heading following RSA 374:3-b to read as follows:

Supervisory Power of Department of [~~Transportation~~]

Energy and Public Utilities Commission

8 91:263 Duties. Amend RSA 374:4-374:5-a to read as follows:

9 374:4 Duty to Keep Informed. The commission *and the department of energy* shall have
10 power, and it shall be [~~its~~] ***their*** duty, to keep informed as to all public utilities in the state, their
11 capitalization, franchises and the manner in which the lines and property controlled or operated by
12 them are managed and operated, not only with respect to the safety, adequacy and accommodation
13 offered by their service, but also with respect to their compliance with all provisions of law, orders of
14 the commission and charter requirements.

15 374:5 Additions and Improvements. For the purpose of enabling the commission *and the*
16 ***department of energy*** to perform [~~its~~] ***their*** duty to keep informed as provided in RSA 374:4, every
17 public utility, before making any addition, extension, or capital improvement to its fixed property in
18 this state, except under emergency conditions, shall report to the commission *and the department*
19 ***of energy*** the probable cost of such addition, extension, or capital improvement whenever the
20 probable cost thereof exceeds a reasonable amount to be prescribed by general or special order of the
21 commission. For this purpose, the commission may classify public utilities according to the amount
22 of their respective fixed capital accounts, and prescribe a reasonable limitation for each such
23 classification. In no case shall the minimum amount prescribed be less than 1/4 of one percent of
24 such fixed capital account as of December 31 of the preceding year, or \$10,000, whichever is the
25 smaller amount. Reports shall be filed in writing [~~with the commission~~] within such reasonable time
26 as may be prescribed by the commission before starting actual construction on any addition,
27 extension, or improvement. The commission shall have discretion to exclude the cost of any such
28 addition, extension, or capital improvement from the rate base of said utility where such written
29 report thereof shall not have been filed in advance as herein provided.

30 374:5-a Power to Hire Consultants Firm. The commission *and the department of energy* may
31 utilize and employ a consultant firm to provide it with technical assistance in evaluating cost factors
32 relating to the effective use of substantial investments of utilities regulated by the commission.

33 91:264 Investigation of Other Utilities; Orders; Violation. Amend RSA 374:7-374:7-a to read as
34 follows:

35 374:7 Investigation of Other Utilities; Orders. The commission *and the department of energy*
36 shall have power to investigate and ascertain, from time to time, the quality of gas supplied by
37 public utilities and the methods employed by public utilities in manufacturing, transmitting or

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1 supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph
2 messages, or supplying water, and, after notice and hearing thereon, shall have power to order all
3 reasonable and just improvements and extensions in service or methods.

4 374:7-a Violation.

5 I. Any person who knowingly or willfully violates any provision of RSA 370:2 or any
6 standards or rules adopted under it by the public utilities commission *or the department of*
7 *energy*, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas
8 Pipeline Safety Act, shall be subject to a civil penalty not to exceed the maximum civil penalty under
9 49 U.S.C. section 60122(a), as amended.

10 II. Any person who otherwise violates any provision of RSA 370:2 or any standards or rules
11 adopted under it by the public utilities commission *or the department of energy*, relative to gas
12 pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act,
13 shall be subject to a civil penalty not to exceed the maximum civil penalty under 49 U.S.C. section
14 60122(a), as amended.

15 III. *The department of energy shall assess and enforce civil penalties related to this*
16 *section.* Any civil penalty assessed under this section may be [~~compromised~~] *appealed to the*
17 *public utilities commission, and the commission may uphold, reverse, or compromise such*
18 *civil penalty* [~~by the public utilities commission~~]. In determining the amount of the penalty, *the*
19 *outcome of an appeal*, or the amount agreed upon in compromise, the appropriateness of the
20 penalty to the size of the business of the person charged, the gravity of the violation, the good faith of
21 the person charged in attempting to achieve compliance, after notification of a violation, the degree
22 of culpability of the person, the history of prior violations, the effect of the penalty on the person, and
23 any other identifiable factor related to the circumstances of the person and the nature and
24 circumstances of the violation, shall be considered. The amount of the penalty, when finally
25 determined, or the amount agreed upon in compromise, may be deducted from any sums owing by
26 the state to the person charged or may be recovered in a civil action in the state courts.

27 91:265 Public Utilities; Reports; Filing. Amend RSA 374:15 to read as follows:

28 374:15 Filing. Every public utility shall file with the commission *and the department of*
29 *energy* reports at such times, verified by oath in such manner, and setting forth such statistics and
30 facts, as may be required by the commission *or the department of energy*.

31 91:266 Public Utilities; Reports. Amend RSA 374:17-374:19 to read as follows:

32 374:17 Neglect to Report. If any public utility shall neglect or refuse to make and file any report
33 within a time specified by the commission *or the department of energy*, or shall neglect or refuse
34 to make specific answer to any question lawfully asked by the commission *or the department of*
35 *energy*, it shall forfeit to the state the sum of \$100 for each day it shall continue to be in default with
36 respect to such report or answer, unless it shall be excused [~~by the commission~~] from making such
37 report or answer, or unless the time for making the same shall be extended [~~by the commission~~].

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1 374:18 Production of Books, Etc. The commission, by order, **or the department of energy**, may
2 require any public utility to produce within the state, at such time and place as it may designate,
3 any accounts, records, memoranda, books, or papers kept in any office or place without the state, or
4 verified copies thereof, in order that an examination thereof may be made by **or under the**
5 **direction of** the commission or ~~under its direction~~ **the department of energy**.

6 374:19 False Statements, Etc. No public utility shall willfully make any false statement or false
7 entry in any report to the commission **or the department of energy**, or in any answer to any
8 question lawfully asked by the commission **or the department of energy**.

9 91:267 Service Territories; Department of Energy Jurisdiction. Amend RSA 374:22-e to read as
10 follows:

11 374:22-e Service Territories; ~~Commission~~ **Department of Energy** Jurisdiction.

12 I. If 2 or more telephone utilities find that they provide the same service in the same area or
13 that existing maps create overlapping service territories, the ~~commission~~ **department of energy**,
14 upon application by one or both of the affected utilities, shall define, alter, or establish service
15 territories. In establishing or altering service territories, the ~~commission~~ **department of energy**
16 shall consider the following:

17 (a) Existing service areas;

18 (b) Any voluntary agreements between or among 2 or more such telephone utilities
19 which define the service territories of those utilities;

20 (c) Consistency with the orderly development of the region;

21 (d) Natural geographical boundaries;

22 (e) Compatibility with the interests of all consumers; and

23 (f) All other relevant factors.

24 II. The ~~commission~~ **department of energy** shall have power to exercise the jurisdiction
25 conferred in this section only after due notice to all interested parties and hearing. After
26 consideration of the factors established by paragraph I of this section, and after making findings that
27 the service territories established or altered are consistent with the public good, the ~~commission~~
28 **department of energy** shall establish the service territory of each telephone utility. The service
29 territory thus established shall be sufficiently definite and precise so that its boundaries may be
30 accurately determined.

31 91:268 Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g to read
32 as follows:

33 374:22-g Service Territories Served by Certain Telephone Utilities.

34 I. To the extent consistent with federal law and notwithstanding any other provision of law
35 to the contrary, all telephone franchise areas served by a telephone utility that provides local
36 exchange service, subject to the jurisdiction of the ~~commission~~ **department of energy**, shall be
37 nonexclusive. The ~~commission~~ **department of energy**, upon petition or on its own motion, shall

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1 have the authority to authorize the providing of telecommunications services, including local
2 exchange services, and any other telecommunications services, by more than one provider, in any
3 service territory, when the ~~[commission]~~ **department of energy** finds and determines that it is
4 consistent with the public good unless prohibited by federal law.

5 II. In determining the public good, the commission shall consider the interests of
6 competition with other factors including, but not limited to, fairness; economic efficiency; universal
7 service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable
8 return on its investment; and the recovery from competitive providers of expenses incurred by the
9 incumbent utility to benefit competitive providers, taking into account the proportionate benefit or
10 savings, if any, derived by the incumbent as a result of incurring such expenses.

11 III. The **department of energy** shall adopt rules, pursuant to RSA 541-A, relative to the
12 enforcement of this section.

13 91:269 Shared Tenant Services Authorized; Limited Regulation; Rulemaking. Amend RSA
14 374:22-1 and m to read as follows:

15 374:22-1 Shared Tenant Services Authorized; Limited Regulation.

16 I. The ~~[public utilities commission]~~ **department of energy** shall authorize the provision of
17 shared tenant services by providers meeting the minimum requirements established by the
18 ~~[commission]~~ **department of energy** to operate shared tenant services networks.

19 II. Providers of shared tenant services shall be subject to the following limited regulation by
20 the ~~[commission]~~ **department of energy**:

21 (a) Providers of shared tenant services shall disclose to tenants and prospective tenants
22 all pricing information relative to their services in the manner prescribed by the ~~[commission]~~
23 **department of energy**.

24 (b) Providers of shared tenant services shall disclose to tenants and prospective tenants
25 that they can at their option obtain basic exchange and other service from an authorized local
26 telephone utility rather than from the shared tenant services provider.

27 (c) Without penalty and in accordance with the rules of the ~~[commission]~~ **department of**
28 **energy**, telephone number retention and access to telecommunications services shall be permitted by
29 providers of shared tenant services and authorized local telephone utilities into and out of shared
30 tenant services properties.

31 (d) The ~~[commission]~~ **department of energy** shall have jurisdiction to hear matters
32 pertaining to the unauthorized provision of shared tenant services, violations of ~~[commission]~~
33 **department** rules relating to shared tenant services, and customer complaints against shared
34 tenant services providers.

35 374:22-m Rulemaking. The ~~[public utilities commission]~~ **department of energy** shall adopt
36 rules, pursuant to RSA 541-A, relative to:

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1 I. Minimum requirements for shared tenant services, including disclosure of available
2 options and terms and prices of shared tenant services.

3 II. Customer access to services of authorized local telephone utilities.

4 III. Telephone number retention and recovery of costs, if any, associated with number
5 retention.

6 IV. The charges a local telephone utility establishes for a shared tenant services provider to
7 purchase services for use by the provider's tenants.

8 V. Procedures for complaints to the [~~commission~~] **department** regarding shared tenant
9 services.

10 91:270 Regulation of Competitive Telecommunications Providers Limited; Affordable Telephone
11 Service; Public Interest Payphones. Amend RSA 374:22-o-374:22-p to read as follows:

12 374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or
13 business entity authorized by the [~~commission~~] **department of energy** to engage in business as a
14 competitive local exchange carrier and any competitive toll provider having less than a 10 percent
15 share of toll revenue in New Hampshire shall not be required to seek prior [~~commission~~]
16 **department** approval of financings or corporate organizational changes, including, without
17 limitation, mergers, acquisitions, corporate restructurings, issuance or transfer of securities, or the
18 sale, lease, or other transfer of assets or control. Nothing in this section shall exempt any such
19 competitive telecommunications service provider from such advance notice as the [~~commission~~]
20 **department** may prescribe or from the requirements of RSA 374:28-a or RSA 378:46.

21 374:22-p Affordable Telephone Service; Rulemaking; Standards.

22 I.(a) For the purposes of this section, "Federal Telecommunications Act" means the federal
23 Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56.

24 (b) For purposes of this section "basic service" means:

25 (1) Safe and reliable single-party, single line voice service;

26 (2) The ability to receive all noncollect calls, at telephone lines capable of receiving
27 calls, without additional charge;

28 (3) The ability to complete calls to any other telephone line, which is capable of
29 receiving calls, in the state;

30 (4) The opportunity to presubscribe to interLATA toll carriers;

31 (5) The opportunity to presubscribe to intraLATA toll carriers;

32 (6) Dialing parity;

33 (7) Number portability;

34 (8) Enhanced 911, pursuant to the requirements of the department of safety, bureau
35 of emergency communications, or its successor agency;

36 (9) Access to statewide directory assistance;

37 (10) Telecommunications relay service (TRS);

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- 1 (11) A published directory listing, at the customer's election;
- 2 (12) A caller identification blocking option, on a per-call basis;
- 3 (13) A caller identification line blocking option that is available to all customers
4 without a recurring charge and is provided upon customer request without charge to customers who
5 have elected nonpublished telephone numbers and is available without a nonrecurring charge to
6 customers who certify that caller identification threatens their health or safety and is available
7 without a nonrecurring charge when requested with installation of basic service;
- 8 (14) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 area
9 code calls;
- 10 (15) The ability to report service problems to the customer's basic service provider on
11 a 24-hour basis, 7 days a week; and
- 12 (16) Automatic Number Identification (ANI) to other carriers which accurately
13 identifies the telephone number of the calling party.

14 (c) Any combination of basic service along with any other service or feature offered by
15 the telecommunications service provider is nonbasic service and shall not be regulated by the
16 commission.

17 (d) Any telecommunications service provider which is not an incumbent local exchange
18 carrier shall not be required to provide basic service.

19 II. Subject to RSA 362:6, the ~~[commission]~~ **department of energy** shall require every
20 provider of intrastate telephone service to participate in outreach programs designed to increase the
21 number of low-income telephone customers on the network through increased participation in any
22 universal service program approved by the ~~[commission]~~ **department** and statutorily established by
23 the legislature. Statewide outreach programs shall continue until further order of the ~~[commission]~~
24 **department**.

25 III. The ~~[commission]~~ **department of energy** shall seek to ensure that affordable basic
26 telephone services are available to consumers throughout all areas of the state at reasonably
27 comparable rates.

28 IV.(a) The ~~[commission]~~ **department of energy** shall ~~[develop—draft]~~ **maintain and**
29 **update** rules to implement this section and shall, after the statutory establishment of a universal
30 service fund, require every provider of intrastate telephone services to contribute to a state universal
31 service fund to support programs consistent with the goals of applicable provisions of this title and
32 the Federal Telecommunications Act.

33 (b) If the ~~[commission]~~ **department of energy**, upon statutory establishment of a
34 universal service program, establishes a state universal service fund pursuant to this section, the
35 ~~[commission]~~ **department** shall contract with an appropriate independent fiscal agent that is not a
36 state entity to serve as administrator of the state universal service fund. Program administration
37 shall be designed in the most cost-effective manner possible. Funds contributed to a state universal

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1 service fund are not state funds and therefore are not subject to provisions of law relating to the
2 general fund. Rules and any state universal service fund requirements established by legislative
3 enactment and by the ~~[commission]~~ **department** pursuant to this section shall:

4 (1) Be reasonably designed to maximize federal assistance available to the state for
5 universal service purposes.

6 (2) Meet the state's obligations under the Federal Telecommunications Act.

7 (3) Be consistent with the goals of the Federal Telecommunications Act.

8 (4) Ensure that any requirements regarding contributions to a state universal
9 service fund be nondiscriminatory and competitively neutral.

10 (5) Require explicit identification on customer's bills of contributions to and in the
11 event of fund termination, refunds from, any state universal service fund established pursuant to the
12 section.

13 (6) Allow consideration in appropriate rulemaking proceedings of contributions to
14 and in the event of fund termination, refunds from, any state universal service fund established
15 pursuant to this section.

16 (c) For purposes of this section, "providers of intrastate telephone services" includes
17 providers of radio paging service and, subject to the provisions of the Federal Communications Act as
18 amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

19 (d) Prior to requiring that providers of intrastate telephone service contribute to a state
20 universal service fund and prior to statutory establishment of a universal service fund, the
21 ~~[commission]~~ **department of energy** shall report to the general court its determination of the
22 expected program costs, the amount and type of the funding mechanism, the number of people
23 proposed to be served, the level of proposed service, and the administrative design of the proposed
24 fund.

25 V. The ~~[commission]~~ **department of energy**, annually, shall assess the penetration rate of
26 basic telephone services. If this penetration rate ever falls below the national average penetration
27 rate, the ~~[commission]~~ **department** shall commence an investigation and take steps to enhance
28 telephone market penetration. The ~~[commission]~~ **department**, annually, shall assess the success of
29 any action taken by the ~~[commission]~~ **department** to achieve the purpose of this section. The public
30 policy goal should be to raise the low income penetration level as close as reasonably possible to the
31 statewide average.

32 VI, VII. [Repealed.]

33 VIII. Notwithstanding the provisions of RSA 374:1-a:

34 (a) Incumbent local exchange carriers, whether qualified as an excepted local exchange
35 carrier or otherwise, may not discontinue residential basic service, regardless of technology used, in
36 any portion of their franchise area unless the ~~[commission]~~ **department of energy** determines that
37 the public good will not be adversely affected by such withdrawal of service;

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1 (b) Rates for basic service of incumbent local exchange carriers which qualify as
2 excepted local exchange carriers may not increase by more than 5 percent for Lifeline Telephone
3 Assistance customers and by more than 10 percent for all other basic service customers in each of
4 the 8 years after the effective date of this paragraph or the effective date of an existing alternative
5 plan of regulation, except for additional rate adjustments, with [~~public utilities commission~~]
6 **department of energy** review and approval, to reflect changes in federal, state, or local government
7 taxes, mandates, rules, regulations, or statutes; and

8 (c) Incumbent local exchange carriers which qualify as excepted local exchange carriers
9 shall report the rates for basic service to the [~~commission~~] **department of energy** within 60 days of
10 the effective date of this paragraph and upon any changes to the rates.

11 91:271 Pole Attachments. Amend RSA 374:34-a to read as follows:

12 374:34-a Pole Attachments.

13 I. In this subdivision, a "pole" means any pole, duct, conduit, or right-of-way that is used for
14 wire communications or electricity distribution and is owned in whole or in part by a public utility,
15 including a rural electric cooperative for which a certificate of deregulation is on file with the
16 commission pursuant to RSA 301:57.

17 II. Whenever a pole owner is unable to reach agreement with a party seeking pole
18 attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for
19 such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section
20 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This
21 authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C.
22 section 224(c).

23 III. The [~~commission~~] **department of energy** shall adopt rules under RSA 541-A to carry
24 out the provisions of this section, including appropriate formula or formulae for apportioning costs.

25 IV. In exercising its authority under this subdivision, the [~~commission~~] **department of**
26 **energy** shall consider the interests of the subscribers and users of the services offered via such
27 attachments, as well as the interests of the consumers of any pole owner providing such
28 attachments.

29 V. Nothing in this subdivision shall prevent parties from entering into pole attachment
30 agreements voluntarily, without commission approval.

31 VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of
32 attachments regulated under this subdivision. A pole owner may deny access to its poles on a
33 nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and
34 generally applicable engineering purposes.

35 VII. The commission shall have the authority to hear and resolve complaints concerning
36 rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole
37 attachments.

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1 VIII. The ~~[commission]~~ **department of energy** shall retain its authority to regulate the
2 safety, vegetation management, emergency response, and storm restoration requirements for poles,
3 conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of public
4 utilities and other private entities located within public rights-of-way and on, over, or under state
5 lands and water bodies.

6 91:272 Repeals. The following are repealed:

7 I. RSA 374:35, relative to transmitting electricity out of the state.

8 II. RSA 374:36, relative to investigations and orders.

9 91:273 Investigation of Accidents. Amend RSA 374:37-374:40 to read as follows:

10 374:37 By ~~[Commission]~~ **Department**. The ~~[commission]~~ **department of energy** shall
11 investigate the causes of all accidents in connection with the operation of public utilities in the state,
12 which, in the opinion of the commission **or the department of energy**, ought to be investigated.

13 374:38 Manner. Any such investigation may be made by the ~~[full commission]~~ **department of**
14 **energy** ~~[, or by a single commissioner, or by an agent of the commission,]~~ in such manner as the
15 ~~[commission]~~ **department of energy** may determine.

16 374:39 Reports. Every public utility shall report to the **department of energy and the**
17 commission accidents occurring in connection with the operation of its business wherein loss of life
18 occurs or any person is injured, or of such a nature as to endanger the safety, health or property of
19 its consumers or the public, as and whenever directed by such rules and regulations as the
20 **department of energy and the** commission may prescribe.

21 374:40 Publicity. Reports of accidents filed under RSA 374:39 shall not be made public
22 otherwise than in the published reports of the commission **or the department of energy**.

23 91:274 New Paragraph; Definitions. Amend RSA 374:48 by inserting after paragraph II the
24 following new paragraph:

25 II-a. "Department" means the department of energy.

26 91:275 Rulemaking. Amend the introductory paragraph of RSA 374:50 to read as follows:

27 The ~~[commission]~~ **department** shall adopt rules, pursuant to RSA 541-A, relative to:

28 91:276 Civil Penalty. Amend RSA 374:55 to read as follows:

29 374:55 Civil Penalty.

30 I. Proof that an excavation has been made without compliance with the notice requirement
31 of RSA 374:51 and that damage to an underground facility has occurred shall be prima facie
32 evidence in any court or administrative proceeding that the damage was caused by the negligence of
33 the excavator.

34 II. Any excavator who does not give notice of or identify the proposed excavation area as
35 required by RSA 374:51 or rules of the ~~[commission]~~ **department** regarding tolerance zones and
36 marking procedures shall be subject to the penalties in paragraph VIII, in addition to any liability
37 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 91:277 Telephone Number Conservation and Area Code Implementation Policy Principles.
29 Amend 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 91:278 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 91:279 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 91:280 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 91:281 Restructuring Policy Principles; Implementation. Amend RSA 374-F:3 and 374-F:4 to
30 read 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

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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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1 certificates administered by the ISO-New England and the New England Power Pool (NEPOOL)
2 should be considered at least one form of certification that is acceptable under this program.

3 (5) A utility that is required by statute to provide default service from its generation
4 assets should use any of its owned generation assets that are powered by renewable energy for the
5 provision of standard default service, rather than for the provision of a renewable energy source
6 component.

7 (6) Utilities should include educational materials in their normal communications to
8 their customers that explain the RES options being offered and the health and environmental
9 benefits associated with them. Such educational materials should be compatible with any
10 environmental disclosure requirements established by the ~~commission~~ **department**.

11 (7) For purposes of consumer protection and the maintenance of program integrity,
12 reasonable efforts should be made to assure that the renewable energy source component of an RES
13 option is not separately advertised, claimed, or sold as part of any other electricity service or
14 transaction, including compliance with the renewable portfolio standards under RSA 362-F.

15 (8) If RES default service is not available for purchase at a reasonable cost on behalf
16 of consumers choosing an RES default service option, a utility may, as approved by the commission,
17 make payments to the renewable energy fund created pursuant to RSA 362-F:10 on behalf of
18 customers to comply with subparagraph (f).

19 (9) The commission shall implement subparagraph (f) through utility-specific filings.
20 Approved RES options shall be included in individual tariff filings by utilities.

21 (10) A utility, with commission approval, may require that a minimum number of
22 customers, or a minimum amount of load, choose to participate in the program in order to offer an
23 RES option.

24 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
25 implemented in a manner that benefits all consumers equitably and does not benefit one customer
26 class to the detriment of another. Costs should not be shifted unfairly among customers. A
27 nonbypassable and competitively neutral system benefits charge applied to the use of the
28 distribution system may be used to fund public benefits related to the provision of electricity. Such
29 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-
30 income customers, energy efficiency programs, funding for the electric utility industry's share of
31 commission **and department** expenses pursuant to RSA 363-A, support for research and
32 development, and investments in commercialization strategies for new and beneficial technologies.
33 Legislative approval of the New Hampshire general court shall be required to increase the system
34 benefits charge. This requirement of prior approval of the New Hampshire general court shall not
35 apply to the energy efficiency portion of the system benefits charge if the increase is authorized by
36 an order of the commission to implement the 3-year planning periods of the Energy Efficiency
37 Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016,

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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

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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

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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

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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 91:282 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 ~~(1) Uniformity in the way competitive electric suppliers provide information for each~~
2 ~~category on the commission's website.~~

3 ~~(2) Ease of use by customers.~~

4 ~~(3) Ease of selecting and purchasing a specific contract from a competitive electric~~
5 ~~supplier shown on the commission's website.~~

6 ~~(e) Include separate input boxes for the following information:~~

7 ~~(1) A link to the provider's web page.~~

8 ~~(2) Contract durations.~~

9 ~~(3) Whether the contract has variable or fixed rates, or both, and when such rates~~
10 ~~apply.~~

11 ~~(4) Cancellation charges.~~

12 ~~(5) Rates.~~

13 ~~(6) Other relevant information.]~~

14 III. ~~[On or before July 1, 2017, and every 2 years thereafter, the commission]~~ **The**
15 **department of energy** shall review its website **every 2 years** and ensure that the site remains an
16 efficient tool for the comparison of pricing policies and charges among competitive electric suppliers.

17 IV. Unless the contract specifies a month-to-month variable rate, no competitive electric
18 supplier shall charge a residential customer a variable rate, including during a contract term or
19 following the expiration of a contract, without first providing written notification in a form approved
20 by the commission of the nature of such variable rate 45 days prior to the commencement of the
21 variable rate. The residential customer shall select the method of written notification at the time
22 the contract is signed. Such customer shall have the option to change the method of notification at
23 any time during the contract.

24 V. Competitive electric suppliers shall retain records of any of the notices required in this
25 section for a period of not less than 2 years and shall make such records available to the commission
26 upon its request.

27 91:283 Oversight Committee; Report. Amend RSA 374-F:5, III to read as follows:

28 III. The committee shall provide an interim report on or before April 1, and an annual report
29 on or before November 1 to the governor, the speaker of the house, the senate president, the state
30 library, ~~and~~ the public utilities commission, **and the department of energy** on activities before
31 the public utilities commission and other cognizant state agencies in regard to evolving changes in
32 the provision of electric services to New Hampshire customers, including modernization of the
33 electric grid, development of technologies for electric storage, electrification of transportation, the
34 growth of distributed generation, the commission's role in a deregulated market, and such matters
35 as may arise that may present opportunities to improve the delivery of electric services or to reduce
36 cost.

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1 91:284 Competitive Electricity Supplier Requirements; Participation in Regional Activities.
2 Amend 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 91:285 Offshore Wind and Port Development; Commission Established; Membership. Amend
19 RSA 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 91:286 Reference Changed; Office of Offshore Wind Industry Development. Amend RSA 374-
23 F:10, 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 91:287 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 91:288 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

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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 91:289 Fixing of Rates by Commission; Energy Policy Act Standards. Amend RSA 378:7 and
29 378:7-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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1 for the service to be performed, and shall fix the same by order to be served upon all public utilities
2 by which such rates, fares and charges are thereafter to be observed. The commission shall be under
3 no obligation to investigate *or hear* any rate matter which it has investigated within a period of 2
4 years, but may do so within said period at its discretion.

5 378:7-a Energy Policy Act Standards. [~~The commission~~] ***Consistent with their statutory***
6 ***authority, the commission and the department of energy*** may establish requirements for net
7 metering, fuel diversity, fossil fuel generation efficiency, advanced metering, time-based rates, and
8 interconnection with on-site generation facilities of customers in a manner not inconsistent with
9 section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Chapter 46) as amended
10 by the Energy Policy Act of 2005.

11 91:290 Contracts for Advertising. Amend RSA 378:24 to read as follows:

12 378:24 Contracts for Advertising. All advertising contracts of public utilities shall be made at
13 regular, established, commercial advertising rates; and such contracts shall be open to inspection by
14 the commission ***and the department of energy*** at all times.

15 91:291 Filing; Inspection; Temporary Rates. Amend RSA 378:26 and 378:27 to read as follows:

16 378:26 Filing; Inspection. A copy of such list for the preceding year shall be filed with the
17 commission ***and the department of energy***, in such form and under such regulations as [~~the~~
18 ~~commission~~] ***they*** may prescribe. Such list, together with the books, records and papers of the
19 carrier so far as relevant, shall be open at all times to the inspection of the commission, who shall
20 examine the same whenever they deem it necessary to the due enforcement of this title.

21 378:27 Temporary Rates. In any proceeding involving the rates of a public utility brought either
22 upon motion of the commission ***or the department of energy*** or upon complaint, the commission
23 may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires,
24 immediately fix, determine, and prescribe for the duration of said proceeding reasonable temporary
25 rates; provided, however, that such temporary rates shall be sufficient to yield not less than a
26 reasonable return on the cost of the property of the utility used and useful in the public service less
27 accrued depreciation, as shown by the reports of the utility filed with the commission ***and the***
28 ***department of energy***, unless there appears to be reasonable ground for questioning the figures in
29 such reports.

30 91:292 Multi-use Data Energy Platform. Amend RSA 378:50-378:52 to read as follows:

31 378:50 Definitions. In this subdivision:

- 32 I. "Data sharing" means providing data and accessing data provided by others.
33 II. "Individual customer data" means the customer's name, address, opt-in status pursuant
34 to RSA 374:62, energy usage as recorded by meters supplied by electric and natural gas utilities, and
35 other data segments established and authorized by the [~~commission~~] ***department of energy***.
36 III. "Third party" means:
37 (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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1 I. Design and operate the energy data platform to provide opportunities for utilities, their
2 customers, and third parties to access the online energy data platform and to participate in data
3 sharing.

4 II. Require, as a condition of accessing the online energy data platform, that a third party
5 complete a qualification and registration process to ensure that any customer data downloaded from
6 the platform remains in a safe, secure environment according to data privacy standards established
7 by the ~~[commission]~~ **department of energy**.

8 III. Administer the online energy data platform in a manner consistent with RSA 363:38.

9 91:293 Regional Greenhouse Gas Initiative; Energy Efficiency Fund and Use of Auction
10 Proceeds. Amend RSA 125-O:23 to read as follows:

11 125-O:23 Energy Efficiency Fund and Use of Auction Proceeds.

12 I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall
13 be continually appropriated to the ~~[commission]~~ **department of energy** to be expended in
14 accordance with this section. The state treasurer shall invest the moneys deposited therein, as
15 provided by law. Income received on investments made by the state treasurer shall also be credited
16 to the fund. All programs supported by these funds shall be subject to audit by the ~~[commission]~~
17 **department of energy** as deemed necessary. A portion of the fund moneys shall be used to pay for
18 ~~[commission]~~ **department of energy** and department **of environmental services** costs to
19 administer this subdivision, including contributions for the state's share of the costs of the RGGI
20 regional organization. No fund moneys shall be used by the ~~[commission]~~ **department of energy** or
21 the department **of environmental services** to contract with outside consultants. The **department**
22 **of energy** ~~[commission]~~ shall transfer from the fund to the department **of environmental services**
23 such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the
24 general court and the governor and council, for the department's cost of administering this
25 subdivision.

26 II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated
27 to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be
28 determined by the commission.

29 III. All remaining proceeds received by the state from the sale of allowances, excluding the
30 amount used for ~~[commission]~~ **department of energy** and department **of environmental services**
31 administration under paragraph I, shall be allocated by the commission as follows:

32 (a) At least 15 percent to the low-income core energy efficiency program.

33 (b) Beginning January 1, 2014, up to \$2,000,000 annually to utility core programs for
34 municipal and local government energy efficiency projects, including projects by local governments
35 that have their own municipal utilities. Funding elements shall include, but not be limited to,
36 funding for direct technical and project management assistance to identify and encourage
37 comprehensive projects and incentives structured to assist municipal and local governments funding

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1 energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to
2 municipal and local government projects under this paragraph remaining at the end of the year shall
3 roll over and be added to the new calendar year program funds and continue to be made available
4 exclusively for municipal and local government projects. Beginning in calendar year 2017, and all
5 subsequent years, funds allocated to municipal and local government projects under this paragraph
6 shall be offered first to municipal and local governments as described in this paragraph for no less
7 than 4 full calendar months. If, at the end of this time, municipal and local governments have not
8 submitted requests for eligible projects that will expend the funds allocated to municipal and local
9 government projects under this paragraph within that program year, the funds shall be offered on a
10 first-come, first-serve basis to business and municipal customers who fund the system benefits
11 charge.

12 (c) The remainder to all-fuels, comprehensive energy efficiency programs administered
13 by qualified parties which may include electric distribution companies as selected through a
14 competitive bid process. The funding shall be distributed among residential, commercial, and
15 industrial customers based upon each customer class's electricity usage to the greatest extent
16 practicable as determined by the commission. Bids shall be evaluated based on, but not limited to,
17 the following criteria:

- 18 (1) A benefit/cost ratio analysis including all fuels.
- 19 (2) Demonstrated ability to provide a comprehensive, fuel neutral program.
- 20 (3) Demonstrated infrastructure to effectively deliver such program.
- 21 (4) Experience of the bidder in administering energy efficiency programs.
- 22 (5) Ability to reach out to customers.
- 23 (6) The validity of the energy saving assumptions described in the bid.

24 IV. The [~~electric~~] division of ***policy and programs of*** the [~~commission~~] ***department of***
25 ***energy*** shall conduct a competitive bid process for the selection of programs to be funded under
26 subparagraph III(c), with such funding to begin January 1, 2015. The [~~commission~~] ***department of***
27 ***energy*** may petition the governor and council to extend existing contracts until such time as the
28 competitive bids are approved by the governor and council, but in no event later than July 1, 2015.
29 The competitive bid process shall be repeated every 3 years thereafter. Before extending any
30 existing program, public comment on the proposed extension shall be accepted.

31 V. Each entity receiving funding under subparagraph III(c) shall file an annual report on
32 the performance of the entity's program. The [~~commission~~] ***department of energy*** shall establish
33 the format, content, and the methodologies used to provide the content of the reports. The
34 [~~commission~~] ***department of energy*** shall make use of, as applicable and appropriate, the
35 monitoring and verification requirements used in the natural gas and electric utility core programs.
36 The annual reports shall be delivered to the governor, the president of the senate, the speaker of the
37 house of representatives, the chairmen of the senate and house standing committees with

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1 jurisdiction over energy matters, *the commissioner of the department of energy* and the
2 ~~[chairman]~~ *chairperson* of the public utilities commission. The reports shall include, but not be
3 limited to, the following:

4 (a) Program expenditures, including direct customer installation costs.

5 (b) Resulting actual and projected energy savings by fuel type and associated CO2
6 emissions reductions.

7 (c) Any measurement and verification data that corroborate projected savings.

8 (d) The number of customers served by the programs.

9 (e) Other data as required by the commission in order to determine program
10 effectiveness.

11 91:294 New Paragraph; Bank Commissioner; Public Deposit Investment Pool. Amend RSA
12 383:22 by inserting after paragraph IV the following new paragraph:

13 V. The commissioner shall charge the public deposit investment pool any actual costs
14 incurred by the department for the operation of the pool as well as any expenses of department
15 personnel assisting in the operation of the pool. The cost for personnel assisting in the operation of
16 the pool shall be determined in accordance with the per diem examination charge established in RSA
17 383:11, I, provided that the requirement that no entity shall be charged or pay less than one full day
18 shall not apply. The private investment advisor retained under paragraph II shall be responsible for
19 processing any invoice submitted for the actual costs incurred by the department and the expenses of
20 department personnel under this paragraph.

21 91:295 Tax Expenditure Report; Weighted Apportionment Factors Removed. Amend RSA 71-
22 C:2 to read as follows:

23 71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the
24 community development finance authority investment tax credit as computed in RSA 162-L:10; the
25 economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development
26 tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the
27 education tax credit as computed in RSA 77-G:4; ~~[the weighted apportionment factors under RSA 77-
28 A:3, II(a);]~~ *the regional career and technical education center tax credit pursuant to RSA*
29 *188-E:9-a;* and the exemption for qualified regenerative manufacturing companies allowed under
30 RSA 77-A:1, I and RSA 77-E:1, III.

31 91:296 New Paragraph; Unemployment Compensation; Fraud Detection. Amend RSA 282-
32 A:118 by inserting after paragraph VII the following new paragraph:

33 VIII. That for the purpose of preventing and detecting fraud in the unemployment
34 compensation system as well as efficiently coordinating and streamlining integrity improvement
35 efforts, the commissioner of the department of employment security may enter into an agreement
36 with the National Association of State Workforce Agencies' Center for Employment Security
37 Education and Research, Inc. (CESER) as agent for the United States Department of Labor

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1 (USDOL) for participation in the Integrity Data Hub (IDH). The department's participation in IDH
2 and any resulting use of confidential data by USDOL and CESER shall be in accordance with all
3 state laws, federal laws as well as state and federal regulations pertaining to prevention and
4 detection of fraud, waste, and abuse in the unemployment compensation system. The information
5 thus provided by the department to the IDH shall be used solely for administration of state and
6 federal unemployment compensation laws. Information under this paragraph shall only be provided
7 upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in
8 place.

9 91:297 New Subdivision; State Commission on Human Rights; Right to Freedom From
10 Discrimination in Public Workplaces and Education. Amend RSA 354-A by inserting after section 28
11 the following new subdivision:

12 Right to Freedom from Discrimination in Public Workplaces and Education

13 354-A:29 Right to Freedom from Discrimination in Public Workplaces and Education.

14 I. The general court hereby finds and declares that practices of discrimination against any
15 New Hampshire inhabitants because of age, sex, gender identity, sexual orientation, race, creed,
16 color, marital status, familial status, mental or physical disability, religion, or national origin are a
17 matter of state concern, that discrimination based on these characteristics not only threatens the
18 rights and proper privileges of New Hampshire inhabitants but menaces the institutions and
19 foundation of a free democratic state and threatens the peace, order, health, safety and general
20 welfare of the state and its inhabitants.

21 II. Nothing in this subdivision shall be construed to prohibit racial, sexual, religious, or
22 other workplace sensitivity training based on the inherent humanity and equality of all persons and
23 the ideal that all persons are entitled to be treated with equality, dignity, and respect.

24 III. Nothing in this subdivision shall be construed to limit the academic freedom of faculty
25 members of the university system of New Hampshire and the community college system of New
26 Hampshire to conduct research, publish, lecture, or teach in the academic setting.

27 354-A:30 Definitions. In this subdivision:

28 I. "Government program" means any activity undertaken by a public employer, both as an
29 employer and in performance of its government function.

30 II. "Public employee" means any person working on a full-time or part-time basis for the
31 state, or any subdivision thereof, including, but not limited to counties, cities, towns, precincts,
32 water districts, school districts, school administrative units, or quasi-public entities.

33 III. "Public employer" includes the state or any subdivision thereof, including, but not
34 limited to counties, cities, towns, precincts, water districts, school districts, school administrative
35 units, or quasi-public entities.

36 354-A:31 Prohibition on Public Employers. No public employer, either directly or through the
37 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 91:298 New Section; Prohibition on Teaching Discrimination. Amend RSA 193 by inserting
22 after 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 91:299 Severability. If any provision of sections 297-298, or the application of any provision to
17 any person or circumstance is held to be invalid, the remainder of such sections, and their
18 application to any other persons or circumstances shall not be affected thereby.

19 91:300 Effective Date. Sections 297-299 of this act shall take effect upon passage.

20 91:301 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 91:302 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8
4 the 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 91:303 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read
18 as 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 91:304 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 91:305 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority.
10 Amend 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 91:306 Repeal. RSA 435:20, V, relative to the authority of the commissioner of the department
20 of agriculture, markets, and food to transfer funds from the agricultural product and scale testing
21 fund, is repealed.

22 91:307 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 91:308 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 91:309 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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1 91:310 Effective Date.

2 I. Section 302 of this act shall take effect upon its passage.

3 II. Section 303 of this act shall take effect as provided in paragraph I of section 307 of this
4 act.

5 III. Section 306 of this act shall take effect as provided in paragraph II of section 307 of this
6 act.

7 91:311 Community College System of New Hampshire; Dual and Concurrent Enrollment
8 Program. Amend RSA 188-E:25 through 188-E:29 to read as follows:

9 188-E:25 Definitions. In this subdivision:

10 I. ***"CCSNH" means the community college system of New Hampshire.***

11 ***II.*** "Concurrent enrollment" means courses taught at the high school by high school teachers
12 approved by [~~the community college system of New Hampshire (CCSNH)~~] ***CCSNH*** in which high
13 school students earn both high school and college or university credit while students are still
14 attending high school or a career technical education center.

15 [~~II.~~] ***III.*** "Dual enrollment" means college courses taught by instructors from [~~the community~~
16 ~~college system of New Hampshire (CCSNH)~~] ***CCSNH*** in which high school students earn college
17 credit while students are still enrolled in high school or a career technical education center.

18 188-E:26 Program Established. There is established a dual and concurrent enrollment program
19 in [~~the department of education~~] ***CCSNH***. Participation in the program shall be offered to high
20 school and career technical education center students in grades 10 through 12. The program shall
21 provide opportunities for qualified New Hampshire high school students to gain access and support
22 for dual and concurrent enrollment in STEM (science, technology, engineering, and mathematics)
23 and STEM-related courses that are fundamental for success in postsecondary education and to meet
24 New Hampshire's emerging workforce needs.

25 188-E:27 Enrollment Requirements.

26 I. An interested high school student in grades 10 through 12 may enroll in a course that is
27 designated by [~~the~~] ***CCSNH*** as part of the dual and concurrent enrollment program.

28 II. A student in the program shall be provided funding for enrollment in no more than 2 dual
29 or concurrent enrollment courses taken in grade 10, no more than 2 dual or concurrent enrollment
30 courses taken in grade 11, and no more than 2 dual or concurrent enrollment courses taken in grade
31 12. A student may take more than 2 dual or concurrent enrollment courses per year at his or her
32 own expense.

33 III.(a) The state shall pay the current rate of concurrent enrollment tuition, which is
34 established at \$150 per course, to the ***CCSNH*** institution where a high school or career and technical
35 education student successfully completes the concurrent enrollment course.

36 (b) The state shall pay the current rate of dual enrollment tuition, which is established
37 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**

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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 91:312 Dual and Concurrent Enrollment Program; Appropriation. The sums of \$1,500,000 for
5 the fiscal year ending June 30, 2022, and \$1,500,000 for the fiscal year ending June 30, 2023, are
6 hereby 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 91:313 School Building Aid; Annual Grant for Leased Space. Amend the introductory paragraph
12 of 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 91:314 New Paragraph; Ten Year Plan for Grant Projects. Amend RSA 198:15-a by inserting
31 after 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 91:315 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 91:316 Appropriation; Department of Education. The sum of \$1,906,313 for the fiscal year
15 ending June 30, 2021 is hereby appropriated to the department of education for the purpose of
16 funding and 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 91:317 Effective Date. Sections 315 and 316 of this act shall take effect June 30, 2021.

22 91:318 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 91:319 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 91:320 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 91:321 Effective Date. Section 320 of this act shall take effect June 30, 2021.

2 91:322 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 91:323 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 91:324 Effective Date. Sections 322 and 323 of this act shall take effect July 1, 2021.

17 91:325 Department of Health and Human Services; Child Care Services. The commissioner of
18 the department of health and human services shall be responsible for determining, on an ongoing
19 basis through June 30, 2023, whether there is sufficient funding in account 05-95-42-421110-2977,
20 class 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 91:326 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 91:327 Appropriation; Department of Health and Human Services; Sununu Youth Services
37 Center. The sum of \$10,400,000 for the fiscal year ending June 30, 2022 and the sum of \$9,922,157

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1 for the fiscal year ending June 30, 2023, are hereby appropriated to the department of health and
2 human services for the purpose of operating the Sununu youth services center as the department
3 transitions to an replacement facility. Of the amount appropriated for the fiscal year ending June
4 30, 2022, \$9,000,000 shall be state general funds and \$1,400,000 shall be other funds. Of the amount
5 appropriated in the fiscal year ending June 30, 2023, \$9,000,000 shall be state general funds and
6 \$922,157 shall be other funds. Such funds shall not lapse until June 30, 2023. The governor is
7 authorized to draw a warrant for the sums out of any money in the treasury not otherwise
8 appropriated.

9 91:328 Transfer of Funds for Operation of the Sununu Youth Services Center. Notwithstanding
10 RSA 9:16-a and RSA 9:16-c, for the biennium ending June 30, 2023, prior approval of the fiscal
11 committee of the general court shall be required for any transfer of funds required for the operation
12 of the Sununu youth services center.

13 91:329 Findings; Sununu Youth Services Center. The general court finds that the current
14 Sununu youth services center shall be closed no later than March 1, 2023 and the opening of a
15 replacement facility shall occur no later than March 1, 2023.

16 91:330 Committee Established.

17 I. There is established a committee to develop a plan for the closure and replacement of the
18 Sununu youth services center. The members of the committee shall be as follows:

19 (a) Three members of the house of representatives, each of whom shall be from a
20 standing committee, appointed by the speaker of the house of representatives.

21 (b) Two members of the senate, appointed by the president of the senate.

22 II. In addition, the legislative members of the committee shall seek input and expert advice
23 from, but not limited to, the following:

24 (a) The department of health and human services.

25 (b) The office of the child advocate.

26 (c) The Disabilities Rights Center.

27 (d) The National Alliance on Mental Illness.

28 (e) New Futures.

29 (f) Any other group or organization the committee deems necessary.

30 III. Legislative members of the committee shall receive mileage at the legislative rate when
31 attending to the duties of the committee.

32 IV. The committee shall develop a plan for the closure and replacement or repurposing of the
33 Sununu youth services center, including cost estimates for the construction and operation of a new
34 facility. The committee's plans shall consider the following:

35 (a) It may be operated by the department of health and human services.

36 (b) It shall be designed to meet the unique needs of up to 18 youth at a time who are at
37 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 91:331 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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1 (“opt-in”) release of their personally identifiable information available through the system of
2 systems. The department shall provide all requested data and information regarding the closed loop
3 referral system and systems with which it is intended to interconnect within one week of the request
4 by the oversight committee. The oversight committee shall report its findings and recommendations,
5 if any, to the legislature, the governor, and the department of health and human services by
6 November 1, 2021. The department of health and human services is prohibited from accessing an
7 individual’s information from the closed loop referral system who is not receiving services funded
8 through a department of health and human services program. Within 48 hours of becoming aware of
9 a data breach, Unite USA Inc. shall begin the process of notification by first class mail to all
10 individuals impacted by the data breach. Any individual whose information is intended to be
11 included in the closed loop referral shall retain the right to opt in to the system on each referral and
12 retain the right to revoke consent to be in the system at any time.

13 91:332 American Rescue Plan Act; Unanticipated Revenue. Funds received by municipalities
14 from the American Rescue Plan Act of 2021 may be considered unanticipated revenue under RSA
15 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II-IV whether or not a political
16 subdivision has adopted the provisions of RSA 31:95-b.

17 91:333 Salary Schedules. RSA 99:1-a is repealed and reenacted to read as follows:

18 99:1-a Salary Schedules. The department of administrative services shall develop and
19 implement for the executive branch such salary schedules as authorized by collective bargaining
20 agreements between the state and an employee organization and subject to appropriation. The
21 department shall apply the appropriate salary schedules to all unrepresented employees. The
22 department shall post base salary schedules on its public Internet website.

23 91:334 Corrections Officers' Salaries.

24 I. Effective July 2, 2021, part-time corrections officers and corrections officer corporals shall
25 be compensated in accordance with the salary schedule applicable to full-time corrections officers
26 and corrections officer corporals.

27 II. Effective July 2, 2021, corrections officer majors shall be compensated in accordance with
28 the salary schedule applicable to corrections officer lieutenants, sergeants and captains.

29 91:335 Parking; Concord. The department of administrative services is authorized to spend
30 such funding as appropriated for additional parking for full-time and part-time employees who are
31 assigned to the downtown Concord area and who are not provided a state-provided parking space for
32 their personal vehicle.

33 91:336 Compensation for Certain State Officers; Unclassified State Employees; July 2, 2021.
34 RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

35 I.(a) The following salary ranges shall apply to the following grades:

36	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
37	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 91:337 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 91:338 Compensation for Certain State Officers; Unclassified State Employees; July 1, 2022.
27 RSA 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 91:339 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 91:340 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 91:341 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 91:342 Legislative Employees; July 2, 2021. Legislative employees shall receive 1.16 percent
3 salary increases effective July 2, 2021, if such increases are approved by the appointing authority.

4 91:343 Legislative Employees; July 1, 2022. Legislative employees shall receive 1.16 percent
5 salary increases effective July 1, 2022, if such increases are approved by the appointing authority.

6 91:344 Judicial Salaries; July 2, 2021. RSA 491-A:1 is repealed and reenacted to read as
7 follows:

8 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

9 Chief justice, supreme court	\$183,394
10 Associate justices, supreme court	\$177,878
11 Chief justice, superior court and administrative 12 judges appointed pursuant to supreme 13 court rule 54	\$177,878
14 Associate justices, superior court	\$166,825
15 District court justices prohibited 16 from practice pursuant to 17 RSA 502-A:21	\$166,825
18 Probate judges prohibited from 19 practice pursuant to RSA 547:2-a	\$166,825

20 91:345 Judicial Salaries; July 1, 2022. RSA 491-A:1 is repealed and reenacted to read as
21 follows:

22 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

23 Chief justice, supreme court	\$185,522
24 Associate justices, supreme court	\$179,942
25 Chief justice, superior court and administrative 26 judges appointed pursuant to supreme 27 court rule 54	\$179,942
28 Associate justices, superior court	\$168,761
29 District court justices prohibited 30 from practice pursuant to 31 RSA 502-A:21	\$168,761
32 Probate judges prohibited from 33 practice pursuant to RSA 547:2-a	\$168,761

34 91:346 Judges; State Employee Health Plan; Application. The cost sharing and plan design for
35 judges who participate in the health plans offered by the state shall be the same as those for
36 individuals covered by the collective bargaining agreement between the state of New Hampshire and
37 the State Employees' Association of New Hampshire, Inc.

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1 99:5-a Longevity Payments for New Hampshire State Troopers and State Trooper Command
2 Staff. Any state trooper or eligible state trooper command staff member who has completed 10 years
3 of continuous service for the state shall be paid, in addition to the salary to which he or she is
4 entitled by the classification plan, the sum of [~~\$300~~] **\$350** annually and an additional[~~\$300~~] **\$350** for
5 each additional 5 years of continuous law enforcement service. The additional compensation
6 provided by the provisions of this section shall not affect the maximums set by the classification plan
7 and the receipt of said long service payments shall not prohibit the recipient from receiving the
8 yearly increments to which he or she may be otherwise entitled within his or her classification
9 ranges. Any state trooper or eligible state trooper command staff member who transfers, without a
10 break in service, to a position in the unclassified system may transfer all time served for purposes of
11 longevity pay.

12 91:353 Repeals. The following are repealed:

13 I. RSA 99:1-b, relative to New Hampshire state trooper salaries.

14 II. RSA 99:3, relative to increases in salary.

15 91:354 Effective Date.

16 I. Sections 336, 337, 340, 342, 344, and 347 of this act shall take effect July 2, 2021.

17 II. Sections 338, 339, 341 343, 345 and 348 of this act shall take effect July 1, 2022.

18 91:355 Department of Administrative Services; Rehiring of Laid Off Classified State Employees.

19 I. For purposes of this section, "laid off" means any person in a classified position as
20 described in RSA 21-I:49 who receives written notice of the state's intent to lay him or her off or who
21 is laid off between July 1, 2021 and June 30, 2023, as a result of reorganization or downsizing of
22 state government.

23 II. It is the intent of the general court that any classified position which becomes available
24 in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state
25 employee laid off, as defined in paragraph I, if such person is not currently employed by the state of
26 New Hampshire, if he or she meets the minimum qualifications for the position, and if he or she does
27 not receive a promotion as a result of the rehire.

28 III. The head of each department or agency shall submit the name and classification of any
29 individual laid off between July 1, 2021 and June 30, 2023, to the director of the division of
30 personnel within 10 days of the layoff.

31 91:356 Annual and Sick Leave; Executive Branch. Amend RSA 94:3-a to read as follows:

32 94:3-a Annual and Sick Leave for Unclassified Legislative Employees ***and Executive Branch***
33 ***Unclassified and Nonclassified Employees.***

34 I. Annual Leave. All full-time, nonelective unclassified legislative officials and employees
35 shall accumulate annual or biennial leave to the extent authorized for each position by the
36 appointing authority. If, at the time of his separation from service, such an official or employee has

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1 credit for unutilized annual leave time, he shall be paid for such time at the same rate he was
2 receiving at the time of his separation.

3 II. Sick Leave. All full-time, nonelective unclassified legislative officials and employees,
4 shall accumulate sick leave credit to the extent authorized for each position by the appointing
5 authority. All unutilized sick leave credit shall lapse at the time of separation from service, except
6 that should such an official or employee die while in service, his estate shall be paid for any
7 unutilized sick leave credit at the same rate the official or employee was receiving at the time of his
8 death.

9 III. Transfer of Credit; **Legislative**. Any official or employee who transfers without a break
10 in service, from the classified service to a full-time, nonelective, unclassified legislative position may
11 transfer all the days of sick leave credit and annual leave credit that he has accumulated in the
12 classified service. Any full-time, nonelective unclassified legislative official or employee who
13 transfers, without a break in service, to the classified service may transfer all the days of sick leave
14 credit and annual leave credit that he has accumulated in the unclassified service pursuant to this
15 section. The rate of accrual for all sick and annual leave shall be the same as the rate immediately
16 prior to the transfer.

17 ***III-a. Transfer of Credit; Executive. Any official or employee who transfers without***
18 ***a break in service, from the classified service to an unclassified or nonclassified executive***
19 ***branch position shall retain all annual leave, sick leave, longevity pay, and bonus leave***
20 ***already accumulated in the classified system. Such leave, longevity pay, and bonus time***
21 ***shall not be paid out until the employee's cessation of employment and shall be carried***
22 ***forward if the employee again transfers into the classified service.***

23 IV. The appointing authority may deny compensation to any legislative official or employee
24 for any annual leave time or sick leave time taken in excess of annual leave time or sick leave time
25 accumulated pursuant to this section.

26 91:357 Terminal Pay. RSA 94:9 is repealed and reenacted to read as follows:

27 94:9 Terminal Pay.

28 I. Any full-time state official or employee other than those in the state classified system who
29 retires, resigns, dies in office, or is terminated as a result of not being reappointed, shall receive
30 upon such cessation of employment 3 days' salary for each year of employment in nonclassified or
31 unclassified service.

32 II. Terminal Pay; Leave Time and Longevity Pay. Any full-time state official or employee
33 other than those in the state classified system who retires, resigns, dies in service, or is terminated
34 shall receive termination pay that includes any unused annual leave, bonus leave, or longevity pay
35 accumulated from their service as member of the classified system.

36 III. Terminal Pay; Sick Time. Any full-time state official or employee other than those in
37 the state classified system who retires shall receive termination pay that includes unused sick leave

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1 accumulated while a member of the classified system. The calculation of such unclassified sick leave
2 payout shall be according to the calculations of sick leave upon termination of service of a
3 confidential classified employee as specified in the rules of the division of personnel.

4 IV. The governor is authorized to draw warrants for the sums necessary to make the
5 payments under this section, which shall be a charge against the general fund or such special fund
6 as may be appropriate.

7 91:358 New Paragraph; Administrative Services; Rulemaking; Executive Branch Employees.
8 Amend RSA 21-I:14 by inserting after paragraph XVII the following new paragraph:

9 XVIII. Employees serving in executive branch unclassified positions relating to:

10 (a) Annual Leave;

11 (b) Sick Leave;

12 (c) Transfers between positions within the executive branch and across branches of state
13 government; and

14 (d) Termination and payouts upon termination of employment.

15 91:359 Report; Executive Branch Employees. The commissioner of the department of
16 administrative services shall report to the fiscal committee of the general court on the progress of
17 the adoption of administrative rules under RSA 21-I:14, XVIII, relating to employees serving in
18 executive branch unclassified positions, not later than April 30, 2022.

19 91:360 Abolished Positions. All classified full-time positions which were vacant prior to July 1,
20 2018 and remain vacant as of July 1, 2021 shall be abolished on September 30, 2021. Executive
21 branch agencies, as defined in RSA 9:1, shall identify such positions using the last vacancy report
22 from the state human resources system produced before June 30, 2021. Positions on such report
23 that have been filled as of July 1, 2021, or for which an offer has been extended and accepted, shall
24 not be abolished. Each executive agency shall prepare a list of positions to be abolished for
25 submission to the department of administrative services on or before September 1, 2021. For each
26 position the list shall include the amounts appropriated by fiscal year for salary and benefits and the
27 source of funds for such appropriations. The department of administrative services shall transfer
28 the unexpended general fund appropriations for the abolished positions to the salary adjustment
29 fund in RSA 99:4 and the benefit adjustment account in RSA 9:17-c. The department of
30 administrative services shall submit a report of the abolished positions and transferred
31 appropriations to the legislative fiscal committee by December 31, 2021. Individual exceptions to
32 these provisions may be requested by any department in writing to the governor, and any such
33 exception granted by the governor shall be transmitted to the fiscal committee of the general court.
34 This section shall not apply to any positions at the department of health and human services which
35 the department intends to use toward meeting required budget reductions.

36 91:361 Appropriation: Department of Agriculture, Markets, and Food; Cost of Care Fund. The
37 sum of \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the department of

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1 agriculture, markets, and food to fund the cost of care fund established in RSA 437-B:1. The
2 governor is authorized to draw a warrant for said sums out of any money in the treasury not
3 otherwise appropriated.

4 91:362 Effective Date. Section 361 of this shall take effect on June 30, 2021.

5 91:363 Department of Agriculture, Markets, and Food; Disease Data Manager; Position
6 Established; Appropriation.

7 I. There is hereby established with the department of agriculture, markets, and food, a Word
8 Processor I position. Such position shall enter and compile test data needed to demonstrate to the
9 USDA that the state is performing adequate testing in order to maintain its status as a TB and
10 Brucellosis-free state.

11 II. The sum of \$53,000 for the fiscal year ending June 30, 2022, and the sum of \$58,000 for
12 the fiscal year ending June 30, 2023, are hereby appropriated to the department of agriculture,
13 markets, and food for the purpose of funding the position in paragraph I. The governor is authorized
14 to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

15 91:364 Department of Justice; Positions Established and Reclassified.

16 I. Position Reclassification; Department of Justice. The position of attorney II, position
17 #14956, transferred to the department of justice in fiscal year 2021 from the department of health
18 and human services accounting unit 05-95-95-952010-5680 to the department of justice accounting
19 unit 02-20-20-201010-2620 and fully funded by the department of health and human services, shall
20 be designated as an unclassified position.

21 II. There is established within the department of justice the unclassified position of
22 assistant attorney general. The salary for the position shall be set forth in RSA 94:1-c.

23 III. Upon reclassification of the position and appointment of the assistant attorney general,
24 position #14956 shall be abolished to allow for the transition of its available appropriations into the
25 unclassified position of assistant attorney general. Funding shall be transferred into the proper
26 unclassified expenditure class for the civil law accounting unit. The incumbent in the abolished
27 position shall be offered the opportunity to seek the attorney general's nomination for the
28 unclassified position of assistant attorney general.

29 91:365 National Guard Enlistment Incentive Program. The subdivision heading before RSA
30 160-B:60 is repealed and reenacted to read as follows:

National Guard Enlistment Incentive Program

32 91:366 National Guard Enlistment Incentive Program. RSA 110-B:60-62 are repealed and
33 reenacted to read as follows:

34 110-B:60 New Hampshire National Guard Enlistment Incentive Program Established. For the
35 purpose of encouraging enlistment in the national guard there is hereby established a New
36 Hampshire national guard enlistment incentive program. This program authorizes a cash incentive
37 up to \$500 to current members of the New Hampshire national guard in the pay grades of E-1 to O-3

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1 or any former member of the New Hampshire national guard for each new or prior service recruit
2 that they bring into the New Hampshire national guard.

3 110-B:61 Revenue for Enlistment Incentive Program.

4 I. There is hereby established a fund to be known as national guard enlistment incentive
5 program fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and
6 any interest earned on the fund shall be used for the purpose of encouraging enlistment in the
7 national guard and shall not be used for any other purpose. The adjutant general shall oversee
8 expenditures from the fund. The moneys in the fund shall be nonlapsing.

9 II. In addition to any moneys appropriated, the New Hampshire national guard enlistment
10 incentive program fund may consist of an annual appropriation, as determined by the general court,
11 to be awarded in accordance with written policies promulgated by the adjutant general under RSA
12 110-B:62.

13 110-B:62 Oversight and Administration. The adjutant general shall adopt rules pursuant to
14 RSA 541-A relative to the administration of the enlistment incentive program and relative to its
15 execution by the New Hampshire Army and Air National Guard recruiting offices in coordination
16 with the department of military affairs and veterans services.

17 91:367 New Subparagraph; National Guard Enlistment Incentive Program Fund. Amend RSA
18 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

19 (365) Moneys deposited in the national guard enlistment incentive program fund
20 established in RSA 110-B:61.

21 91:368 Reference to National Guard Scholarship Fund Removed. Amend RSA 110-B:55, I to
22 read as follows:

23 I. Fines may be paid to a military court or to an officer executing its process. The amount of
24 any fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted
25 from any pay or allowance due or thereafter to become due them, until said fine is liquidated; or the
26 same may be collected with lawful costs of collection, as in the case of executions issued in action
27 founded upon torts. [~~Fines shall be paid over to the state treasurer and credited to the New~~
28 ~~Hampshire national guard recruitment and retention scholarship fund under RSA 110-B:60.~~]

29 91:369 Reference to National Guard Scholarship Fund Removed. Amend RSA 110-B:29 to read
30 as follows:

31 110-B:29 Use of Armories or Other National Guard Facilities.

32 [~~L~~] All New Hampshire national guard facilities shall be primarily for the military duty,
33 instruction, and training of the national and state guard and for the storage and maintenance of
34 military property. Other use of national guard facilities may be authorized by the adjutant general
35 and shall be governed by rules and regulations promulgated under this section.

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1 ~~[H. Rental fees for the use of national guard facilities shall be fixed by the adjutant general~~
2 ~~and shall be declared as revenue and paid to the adjutant general subject to the provisions of RSA~~
3 ~~110-B:61.]~~

4 91:370 Repeal. RSA 110-B:63, relative to the national guard scholarship program, is repealed.

5 91:371 Appropriation: Department of Military Affairs and Veterans Services; National Guard
6 Enlistment Incentive Fund. The sum of \$25,000 for the fiscal year ending June 30, 2021 is hereby
7 appropriated to the department of military affairs and veterans services to fund the national guard
8 enlistment incentive fund established in RSA 110-B:61. Such appropriation shall be nonlapsing.
9 The governor is authorized to draw a warrant for said sums out of any money in the treasury not
10 otherwise appropriated.

11 91:372 Effective Date. Section 371 of this act shall take effect June 30, 2021.

12 91:373 Insurance Department; Positions Established.

13 I. There is established within the insurance department the unclassified position of director
14 of life and health. The director of life and health shall be qualified to hold that position by reason of
15 education and experience and shall perform such duties and exercise such powers as the
16 commissioner may authorize.

17 II. The salary of the director of life and health shall be determined after assessment and
18 review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which
19 shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and
20 appointment of the director of life and health, position #16733 shall be abolished to allow for the
21 transition of this classified position within its available appropriations into the unclassified position
22 of director of life and health. Funding shall be transferred into a new expenditure class 011, within
23 accounting unit 02-24-24-240010-2520. The incumbent in the abolished position shall be offered the
24 position of director of life and health.

25 III. There is established within the insurance department the position of director of property
26 and casualty. The director of property and casualty shall be qualified to hold that position by reason
27 of education and experience and shall perform such duties and exercise such powers as the
28 commissioner may authorize.

29 IV. The salary of the director of property and casualty shall be determined after assessment
30 and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position
31 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action
32 and appointment of the director of property and casualty, position #19998 shall be abolished to allow
33 for the transition of this classified position with its available appropriations into the unclassified
34 position of director of property and casualty. Funding shall be transferred into a new expenditure
35 class 011, within accounting unit 02-24-24-240010-2520. The incumbent in the abolished position
36 shall be offered the position of director of property and casualty.

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1 91:374 Insurance Department; Department Positions. Amend RSA 400-A:6, VII to read as
2 follows:

3 VII. The commissioner shall appoint, as the commissioner's assistants, a director of financial
4 regulation, ***a director of life and health***, a director of health economics, a director of health care
5 analytics, a general counsel, an insurance fraud director, a senior insurance fraud investigator, ***a***
6 ***director of property and casualty***, a property and casualty actuary, a chief property and casualty
7 actuary, a workers' compensation analyst, a chief life, accident and health actuary, a compliance and
8 enforcement counsel, a chief financial examiner, a communications director, and a health reform
9 coordinator, each of whom shall serve at the pleasure of the commissioner. The director of financial
10 regulation, ***director of life and health***, director of health economics, director of health care
11 analytics, general counsel, insurance fraud director, senior insurance fraud investigator, ***director of***
12 ***property and casualty***, property and casualty actuary, chief property and casualty actuary,
13 workers' compensation analyst, chief life, accident and health actuary, compliance and enforcement
14 counsel, chief financial examiner, communications director, and health reform coordinator, shall
15 perform such duties and exercise such powers as the commissioner may authorize.

16 91:375 Appropriation; Business Finance Authority; Grants to Regional Economic Development
17 Corporations. The sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2022,
18 and the sum of \$200,000 is hereby appropriated for the fiscal year ending June 30, 2023 to the
19 business finance authority for the purpose of providing equal grants to regional economic
20 development corporations in furtherance of the objectives set forth in RSA 162-A:1. The governor is
21 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
22 appropriated. Funds appropriated to the authority under this section shall be excluded from the
23 repayment provisions of RSA 162-A:30.

24 91:376 Appropriation; Affordable Housing Fund. The sum of \$25,000,000 for the fiscal year
25 ending June 30, 2021, is hereby appropriated to the housing finance authority for deposit in the
26 affordable housing fund established in RSA 204-C:57, for the purpose of providing financing or state
27 matching funds for affordable housing. The appropriation shall be in addition to any other funds
28 appropriated to the housing finance authority. The governor is authorized to draw a warrant for
29 said sum out of any money in the treasury not otherwise appropriated.

30 91:377 Effective Date. Section 376 of this act shall take effect June 30, 2021.

31 91:378 Department of Natural and Cultural Affairs; Bureau of Trails; Grant in Aid.

32 I. For the biennium ending June 30, 2023 and notwithstanding any provision of law or
33 administrative rule to the contrary, the limitations on percentages of grant-in-aid administered by
34 the bureau of trails, division of parks and recreation, for the development and maintenance of OHRV
35 trails on private, state, federal, or municipal lands for the grant period of June 1, 2021 to May 31,
36 2022 shall be as follows:

37 (a) 90 percent of the cost of renting equipment required to complete a project.

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1 (b) 90 percent of the cost of purchasing trail grooming equipment.

2 (c) 90 percent of the cost of reconditioning trail grooming equipment.

3 (d) 90 percent of the cost of operations for summer trail grading.

4 II. Except as expressly provided above, all other administrative rules regarding the
5 administration of this grant in aid program remain in full force and effect.

6 91:379 Appropriation; Hampton Beach Area Commission. The sum of \$20,000 for the fiscal year
7 ending June 30, 2021 is hereby appropriated to the Hampton Beach area commission to be credited
8 to the Hampton Beach master plan fund under RSA 216-J:5 for the purpose of updating the
9 environmental components of the master plan. The governor is authorized to draw a warrant for
10 said sum out of any money in the treasury not otherwise appropriated.

11 91:380 Effective Date. Section 379 of this act shall take effect June 30, 2021.

12 91:381 Substance Abuse Enforcement Program; Appropriations.

13 I. The sum of \$618,632 for the fiscal year ending June 30, 2021 is hereby appropriated to the
14 department of safety. This sum shall be expended as follows:

15 (a) \$180,632 shall be expended for the purpose of funding overtime at the state forensic
16 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
17 investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the
18 biennium ending June 30, 2023.

19 (b) \$438,000 shall be expended for the purpose of funding overtime at the state police for
20 narcotics related enforcement and investigations, with no more than 50 percent of the appropriation
21 expended in each fiscal year of the biennium ending June 30, 2023.

22 II. The sum of \$2,526,315 for the fiscal year ending June 30, 2021 is hereby appropriated to
23 the department of safety to disburse grants to county and local law enforcement agencies for the
24 purpose of funding overtime costs for county and local law enforcement officers performing law
25 enforcement activities attributable to the substance abuse enforcement program established in RSA
26 21-P:66. No more than 50 percent of the appropriation shall be expended in each fiscal year of the
27 biennium ending June 30, 2023.

28 III. The governor is authorized to draw a warrant for said sums out of any money in the
29 treasury not otherwise appropriated.

30 IV. No appropriation made in this section shall lapse until June 30, 2023.

31 91:382 Effective Date. Section 381 of this act shall take effect June 30, 2021.

32 91:383 Additional Funding from State Department and Agencies. Amend RSA 604-A:1-c to read
33 as follows:

34 604-A:1-c Additional Funding From State Departments and Agencies.

35 I. Every state department, board, institution, commission, or agency which receives general
36 fund grants or supplemental appropriations outside of the state biennial operating budget for the
37 purpose of conducting law enforcement activities that may result in increased costs for indigent

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1 defense as determined by the court, shall transfer 5 percent of such funds received to the judicial
2 council to be used to pay for indigent defense costs resulting from such law enforcement activities.
3 Payment for expenses of indigent representation under this section shall be made pursuant to RSA
4 604-A:8.

5 ***II. The department of safety shall transfer 5 percent of any additional funds***
6 ***appropriated for the substance abuse enforcement program established in RSA 21-P:66 to***
7 ***the judicial council to be used to pay for indigent defense costs resulting from such law***
8 ***enforcement activities. Payment for expenses of indigent representation under this section***
9 ***shall be made pursuant to RSA 604-A:8.***

10 91:384 Fire Standards and Training and Emergency Medical Services Fund; Appropriation.
11 There is hereby appropriated to the fire standards and training and emergency medical services fund
12 established under RSA 21-P:12-d, the sums of \$300,000 for the fiscal year ending June 30, 2022 and
13 \$300,000 for the fiscal year ending June 30, 2023. The governor is authorized to draw a warrant for
14 said sums out of any money in the treasury not otherwise appropriated.

15 91:385 Department of Safety; Appropriation. There is hereby appropriated to the department of
16 safety, division of fire standards and training and emergency medical services, the sums of \$200,000
17 for the fiscal year ending June 30, 2022 and \$200,000 for the fiscal year ending June 30, 2023. Such
18 sums shall be used for the purpose of funding additional part-time instruction or increasing the
19 tuition discount provided to New Hampshire emergency service personnel for certain programs
20 through administrative rulemaking. Such appropriations shall be a charge against the fire
21 standards and training and emergency medical services fund established pursuant to RSA 21-P:12-d.

22 91:386 General Fund Transfer to Highway Fund. The sum of \$50,000,000 for the fiscal year
23 ending June 30, 2022, is hereby appropriated to the highway fund. This appropriation shall not
24 lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury
25 not otherwise appropriated.

26 91:387 Appropriation; Department of Transportation. There is hereby appropriated to the
27 department of transportation the sum of \$7,000,000 for the fiscal year ending June 30, 2021, for the
28 purpose of the Conway Bypass right-of-way payback to the federal highway administration,
29 understanding the department will continue to negotiate with the federal highway administration on
30 a specific payback plan. This appropriation shall not lapse. The governor is authorized to draw a
31 warrant for said sum out of any money in the treasury not otherwise appropriated.

32 91:388 Effective Date. Section 387 of this act shall take effect June 30, 2021.

33 91:389 Department of Transportation; Removal of Toll Booths. Notwithstanding any provision
34 of law to the contrary, the commissioner of the department of transportation shall remove the
35 northbound and southbound toll booths on exit 10 on the F.E. Everett turnpike in the town of
36 Merrimack.

37 91:390 Effective Date. Section 389 of this act shall take effect January 1, 2022.

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1 91:391 Department of Transportation; Town of Tilton; Appropriation.

2 I. The project named Tilton, project number 29753, to reconstruct and re-classify 1.97 miles
3 of Calef Hill Road shall be added to the 10-year transportation improvement plan with engineering
4 totaling \$350,000 in fiscal year 2022 and construction totaling \$2,900,000 for the biennium ending
5 June 30, 2023.

6 II. There is hereby appropriated \$3,250,000 in the fiscal year ending June 30, 2022, to the
7 department of transportation for funding the project identified in paragraph I. The governor is
8 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
9 appropriated. Amounts appropriated under this section shall not lapse.

10 91:392 Appropriation; Department of Transportation. There is hereby appropriated to the
11 department of transportation the sum of \$5,000,000 for the fiscal year ending June 30, 2022 for the
12 purpose of leveraging federal discretionary grants on transportation projects with required state
13 cash match. Such appropriation shall not lapse. The governor is authorized to draw a warrant for
14 said sum out of any money in the treasury not otherwise appropriated.

15 91:393 Appropriation to the Department of Health and Human Services for Child Welfare
16 Behavioral Health Services. Lapse Extension. Amend 2019, 346:347 to read as follows:

17 346:347 Appropriation; Department of Health and Human Services; Child Welfare Behavioral
18 Health Services. The sum of \$6,084,000 for the fiscal year ending June 30, 2020, and the sum of
19 \$13,164,000 for the fiscal year ending June 30, 2021, are hereby appropriated to the department of
20 health and human services for the purposes of sections 330-346 of this act. ***The \$13,164,000***
21 ***appropriation for fiscal year 2021 shall not lapse until June 30, 2022.*** Notwithstanding RSA
22 14:30-a, VI, the department may accept and expend any federal fund match to the appropriation in
23 this section without prior approval of this fiscal committee of the general court. The governor is
24 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated.

26 91:394 Effective Date. Section 393 of this act shall take effect June 30, 2021.

27 91:395 Annual Report on State Mental Health Plan; Child Welfare Component. Amend RSA
28 126-A:5, XXXIII to read as follows:

29 XXXIII.(a) On or before September 1, 2019, the commissioner shall submit a report on the
30 New Hampshire 10-year mental health plan of 2018 containing the priorities for implementation of
31 the plan to the oversight committee on health and human services, established under RSA 126-A:13,
32 the chairpersons of the house and senate policy committees with jurisdiction over health and human
33 services matters, the president of the senate, the speaker of the house of representatives, [~~and~~] the
34 governor, ***and the office of the child advocate established in RSA 21-V.*** The commissioner
35 shall submit a report on or before September 1, 2020 and annually thereafter on the status of the
36 implementation of the 10-year mental health plan including, but not limited to, unmet benchmarks
37 and recommendations for any necessary barrier resolution or necessary adjustments or modifications

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1 to the plan to better serve New Hampshire citizens, to the oversight committee on health and human
2 services and the chairpersons of the house and senate policy committees with jurisdiction over
3 health and human services matters. The annual report shall include any recommendations by the
4 commissioner for legislation as needed or appropriate in achieving important benchmarks in fully
5 implementing the 10-year mental health plan.

6 ***(b) As part of the annual report required by this paragraph, the commissioner***
7 ***of the department of health and human services, in conjunction with the commissioner of***
8 ***the department of education, shall issue a joint report on the implementation of 2019, 44***
9 ***(SB 14), relative to child welfare. This portion of the report shall address in detail the***
10 ***implementation status of each section of 2019, 44 (SB 14) and include all information***
11 ***related to progress toward full implementation of a system of care under RSA 135-F. The***
12 ***report shall also address the following:***

13 ***(1) The total cost of children's behavioral health services.***

14 ***(2) The identification of barriers and service gaps in the array of children's***
15 ***behavioral health services, along with a description of efforts and plans to fill those gaps.***

16 ***(3) The availability of mobile crisis and stabilization services in each part of***
17 ***the state and plans to fill any gaps.***

18 ***(4) Changes to statutes, administrative rules, policies, practices, and***
19 ***managed care and provider contracts which will be necessary to fully implement the***
20 ***system of care.***

21 ***(5) Shortfalls in workforce sufficiency affecting full implementation of the***
22 ***system of care as well as efforts and plans for addressing those shortfalls.***

23 ***(6) Numbers of children and youth awaiting services in various categories.***

24 ***(7) Plans to coordinate the system of care with existing efforts addressing***
25 ***early childhood interventions, primary prevention, and primary care integration.***

26 ***(8) Plans to develop and/or coordinate a cross-system assessment tool and***
27 ***data collection system to measure outcomes, including but not limited to status upon exit***
28 ***from the system of care, measured treatment results, recidivism, and other returns to the***
29 ***service system.***

30 91:396 Repeal. RSA 135-F:6, relative to reporting requirements on the system of care for
31 children's mental health, is repealed.

32 91:397 System of Care for Children's Mental Health; Duties of the Commissioner of Health and
33 Human Services; Reference Change. Amend the introductory paragraph of RSA 135-F:4, II to read
34 as follows:

35 II. Develop a plan for full establishment and maintenance of a system of care. Such plan
36 shall be reviewed and amended annually. It shall include sufficient detail to allow compliance with

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1 the reporting requirements of RSA [~~135-F:6~~] **126-A:5, XXXIII**, and shall address at least the
2 following elements:

3 91:398 System of Care for Children's Mental Health; Duties of the Commissioner of the
4 Department of Education; Reference Change. Amend the introductory paragraph of RSA 135-F:5, II
5 to read as follows:

6 II. Develop a plan for full support and participation of the department of education in the
7 establishment and maintenance of a system of care. Such plan shall be reviewed and amended
8 annually. It shall include sufficient detail to allow compliance with the reporting requirements of
9 RSA [~~135-F:6~~] **126-A:5, XXXIII**, and shall address at least the following elements:

10 91:399 Department of Health and Human Services; Contracts and Procurement Unit; Positions
11 Established. There are hereby established within the department of health and human services for
12 the biennium ending June 30, 2023, 8 full-time, classified positions in the office of business
13 operations, contracts and procurement unit.

14 91:400 Appropriation; Department of Health and Human Services; Contracts and Procurement
15 Unit. The sum of \$644,260 for the fiscal year ending June 30, 2022, and the sum of \$810,607 for the
16 fiscal year ending June 30, 2023, are hereby appropriated to the department of health and human
17 services for the purpose of funding positions in the office of business operations, contracts and
18 procurement unit. The governor is authorized to draw a warrant for said sums out of any money in
19 the treasury not otherwise appropriated.

20 91:401 Duties of the Department of Health and Human Services; Administration of State Food
21 Stamp Program; Reference to SNAP (Supplemental Nutrition Assistance Program) Added. Amend
22 RSA 161:2, XIII to read as follows:

23 XIII. Food Stamp Program. Develop and administer a food stamp program within the state,
24 ***also known as SNAP, the Supplemental Nutritional Assistance Program***, under the
25 provisions of the Federal Food Stamp Act of 1964, as amended, and in accordance with Federal
26 Regulations duly promulgated by the United States Department of Agriculture and the United
27 States Department of Health, Education and Welfare.

28 ***XIII-a. SNAP Incentive Programs. Implement SNAP incentive programs enabling***
29 ***beneficiaries of the federal Supplemental Nutrition Assistance Program to receive a dollar-***
30 ***for-dollar match for fresh fruits and vegetables, with an emphasis on locally grown, at***
31 ***participating farmer's markets, farm stands, mobile markets, community supported***
32 ***agriculture sites, grocery stores, or other participating direct food retailers.***

33 91:402 New Paragraph; Department of Health and Human Services; Rulemaking. Amend RSA
34 161:4-a by inserting after paragraph XI the following new paragraph:

35 XI-a. The implementation of SNAP incentive programs under RSA 161:2, XIII-a.

36 91:403 Department of Health and Human Services; Appropriation. The sum of \$150,000 for the
37 biennium ending June 30, 2023 is hereby appropriated to the department of health and human

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1 services for the SNAP incentive programs under RSA 161:2, XIII-a. The governor is authorized to
2 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 91:404 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
4 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as
5 amended by 2019, 346:61, I, to read as follows:

6 I. Section 5 of this act shall take effect July 1, ~~2021~~ **2023**.

7 91:405 New Paragraph; Rulemaking; Exception Added; Cost-of-living Adjustment. Amend RSA
8 541-A:21 by inserting after paragraph III-a the following new paragraph:

9 III-b. Rules adopted relative to the cost of living adjustment in social security benefits
10 contained within the Social Services Block Grant program shall be exempt from the provisions of
11 RSA 541-A:5 through RSA 541-A:14, provided that recipients receive proper notice that the income
12 level has been adjusted.

13 91:406 Eligibility for Home and Community-Based Services; Suspension. RSA 151-E:18,
14 regarding presumptive eligibility for home and community-based services, shall be suspended for the
15 biennium ending June 30, 2023.

16 91:407 Social Security Act Waiver Programs; Committee Established.

17 I. There is established a committee to study achieving parity in reimbursement among
18 organizations that provide Social Security Act Section 1915(c) waiver programs. The members of the
19 committee shall be as follows:

20 (a) Two members of the senate finance committee, one of whom shall be from the
21 majority party and one of whom shall be from the minority party, appointed by the president of the
22 senate.

23 (b) Two members of the house of representatives finance committee, one of whom shall
24 from the majority party and one of whom shall be from the minority party, appointed by the speaker
25 of the house of representatives.

26 II. Members of the committee shall receive mileage at the legislative rate when attending to
27 the duties of the committee.

28 III.(a) The committee shall examine the issue of achieving parity in reimbursement among
29 organizations that provide services under Social Security Act Section 1915(c) waiver programs and
30 the potential solutions and impact of such reimbursement parity on the state and its counties, the
31 contracting organizations, and clients.

32 (b) The study shall include a comparison between all Social Security Act Section 1915(c)
33 waiver reimbursements, including reimbursement for providers in the following program areas:
34 choices for independence, developmental services, in-home support, and acquired brain disorder
35 services.

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1 IV. The committee shall meet in duly noticed public meetings, take testimony when the
2 committee determines it is appropriate, and may accept and solicit information from any person or
3 entity the committee deems relevant to its study.

4 V. The members of the study committee shall elect a chairperson from among the members.
5 The first meeting of the committee shall be called by the first-named senate member. The first
6 meeting of the committee shall be held within 45 days of the effective date of this section. Three
7 members of the committee shall constitute a quorum.

8 VI. The committee shall report its findings and any recommendations for proposed
9 legislation to the president of the senate, the speaker of the house of representatives, the senate
10 clerk, the house clerk, the governor, and the state library on or before November 15, 2022.

11 91:408 Appropriation; Department of Health and Human Services; Transitional Housing Beds.
12 There is hereby appropriated to the department of health and human services the sum of \$6,000,000
13 for the fiscal year ending June 30, 2021, which shall be nonlapsing until June 30, 2023, for the
14 purposes of increasing rates paid for transitional housing beds and for funding new transitional
15 housing beds for forensic patients and/or patients with complex behavioral health conditions
16 including those transitioning from the New Hampshire hospital. In addition, any unspent funds
17 from the appropriation made under 2019, 346:221 may be used for the purposes of this section. The
18 governor is authorized to draw a warrant for said sum out of any money in the treasury not
19 otherwise appropriated.

20 91:409 Effective Date. Section 408 of this act shall take effect June 30, 2021.

21 91:410 Health and Human Services; State Loan Repayment Program. Of the funds
22 appropriated to account 05-95-90-901010-7965, Rural Health & Primary Care, class 103 for the
23 biennium ending June 30, 2021, \$1,533,566 shall not lapse until June 30, 2023 and shall be treated
24 as restricted revenue for the purpose of funding the state loan repayment program. The department
25 of health and human services is authorized to accept and expend any matching federal funds for the
26 purposes of this section without prior approval of the fiscal committee of the general court.

27 91:411 Effective Date. Section 410 of this act shall take effect June 30, 2021.

28 91:412 Department of Health and Human Services; Division of Medicaid Services. Any funds
29 appropriated to activity 05-95-47-470010, division of medicaid services, for the biennium ending
30 June 30, 2021 shall not lapse until June 30, 2023, and shall be treated as restricted revenue for the
31 purpose of funding expenditures in account 05-95-47-470010-7948, medicaid care management. The
32 department of health and human services is authorized to accept and expend any matching federal
33 funds for the purposes of this section without prior approval of the fiscal committee of the general
34 court.

35 91:413 Effective Date. Section 412 of this act shall take effect June 30, 2021.

36 91:414 Appropriation; Department of Health and Human Services. There is hereby
37 appropriated to the department of health and human services the sum of \$30,000,000 for the fiscal

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1 year ending June 30, 2021 for the purpose of constructing a 24-bed forensic psychiatric hospital.
2 The sum appropriated shall be nonlapsing, provided that any unexpended amount following
3 construction shall lapse to the general fund. The governor is authorized to draw a warrant for said
4 sum out of any money in the treasury not otherwise appropriated.

5 91:415 Effective Date. Section 414 of this act shall take effect June 30, 2021.

6 91:416 Waiver/Nursing Facility Payments.

7 I. Notwithstanding RSA 167:18-a or any other provision of law to the contrary, any funds
8 appropriated to activity 05-95-48-482010, waiver and nursing facilities, for the biennium ending
9 June 30, 2021 shall not lapse until June 30, 2023, and shall be treated as restricted revenue for the
10 purpose of funding expenditures contained in the operating budget for the fiscal year ending June
11 30, 2022 in account 05-95-48-482010-2152, waiver/nursing facility payments – county participation.
12 The department of health and human services is authorized to accept and expend any matching
13 federal funds for the purposes of this section without prior approval of the fiscal committee of the
14 general court.

15 91:417 Effective Date. Section 416 of this act shall take effect June 30, 2021.

16 91:418 Home Visiting Program. Amend RSA 167:68-a to read as follows:

17 167:68-a Home Visiting Programs. Home visiting programs for children and their families
18 established pursuant to this subdivision shall be made available to all Medicaid eligible [~~children~~
19 ~~and~~] pregnant women, ***infants, and families with children up to age one***, without restriction.
20 The commissioner shall adopt rules, pursuant to RSA 541-A, relative to administering this section.

21 91:419 Rulemaking; Home Visiting Program. Amend RSA 167:3-c, XV to read as follows:

22 XV. Procedures for making the home visiting program available to all Medicaid eligible
23 [~~children and~~] pregnant women, ***infants, and families with children up to age one*** pursuant to
24 RSA 167:68, II(e).

25 91:420 Graduate Medical Education Payments Suspended. The commissioner of the
26 department of health and human services shall submit a Title XIX Medicaid state plan amendment
27 to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct and
28 indirect graduate medical education payments to hospitals as provided in 42 C.F.R. section 413.75
29 for the biennium ending June 30, 2023. Upon approval of the state plan amendment, and as of the
30 effective date of the state plan amendment, any obligations for payment of direct and indirect
31 graduate medical education shall be suspended for the biennium ending June 30, 2023.

32 91:421 Department of Health and Human Services; Juvenile Diversion; Supplemental
33 Appropriation. The sum of \$300,000 for the fiscal year ending June 30, 2022, and the sum of
34 \$300,000 for the fiscal year ending June 30, 2023 are hereby appropriated to the department of
35 health and human services for the purpose of extending existing grants to the certified juvenile
36 diversion providers who provide diversion services pursuant to RSA 169-B:10. Any unexpended
37 funds remaining from the appropriation made in 2019, 346:371 shall not lapse and may be used for

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1 the purposes of this section. The governor is authorized to draw a warrant for said sums out of any
2 money in the treasury not otherwise appropriated.

3 91:422 New Paragraph; Delinquent Children; Juvenile Diversion. Amend RSA 169-B:10 by
4 inserting after paragraph II-a the following new paragraph:

5 II-b. Consistent with the referral procedures established pursuant to paragraph II-a, the
6 department of health and human services, division for children, youth and families, shall have the
7 authority establish procedures for the state-funded diversion programs.

8 91:423 Home Visiting Programs; Limitation. The home visiting programs available to all
9 Medicaid eligible children and pregnant women as required by RSA 167:68-a, shall be subject and
10 limited to available appropriations for the biennium ending June 30, 2023.

11 91:424 Department of Health and Human Services; Income Eligibility for "In and Out Medical
12 Assistance;" Suspension. Chapter 39:1 Laws of 2020 requiring the department of health and human
13 services to amend the income standard used for eligibility for the "in and out medical assistance"
14 policy, shall be suspended for the biennium ending June 30, 2023.

15 91:425 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For
16 the biennium ending June 30, 2023, in the event funds appropriated in accounting unit 05-95-47-
17 0010-7207 Medicaid to schools are insufficient, the department of health and human services may
18 accept and expend additional federal funds with the prior approval of the fiscal committee of the
19 general court. Any request to the fiscal committee shall include a detailed explanation of the types
20 of assistance the department is providing to school districts to ensure eligibility for reimbursement
21 under the Medicaid to schools program.

22 91:426 New Hampshire Veterans' Home; Appropriation. The sum of \$80,000 for the fiscal year
23 ending June 30, 2021 is hereby appropriated to the veterans' home for the purpose of funding the
24 veterans' home master plan update. The governor is authorized to draw a warrant for said sums out
25 of any money in the treasury not otherwise appropriated and the appropriation shall not lapse until
26 June 30, 2023.

27 91:427 Effective Date. Section 426 of this act shall take effect June 30, 2021.

28 91:428 Appropriation; Lottery Commission. There is hereby appropriated to the lottery
29 commission the sum of \$2,715,000 for the biennium ending June 30, 2023 for the purpose of paying
30 the total principal balance on the commercial mortgage on its headquarters building. This
31 appropriation shall be a charge to the sweepstakes fund in RSA 284:21-j.

32 91:429 Governor's Scholarship Fund; Appropriation. The sum of \$6,000,000 for the fiscal year
33 ending June 30, 2021 is hereby appropriated to the governor's scholarship fund established under
34 RSA 195-H:12. Such funds shall not lapse. The governor is authorized to draw a warrant for said
35 sum out of any money in the treasury not otherwise appropriated.

36 91:430 Effective Date. Section 429 of this act shall take effect June 30, 2021.

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1 transfers shall be made in accordance with the distribution of adequate education grants under RSA
2 198:42.

3 II. Parents of an EFA student shall agree to use the funds deposited in their student's EFA
4 only for the following qualifying expenses to educate the EFA student:

5 (a) Tuition and fees at a private school.

6 (b) Tuition and fees for non-public online learning programs.

7 (c) Tutoring services provided by an individual or a tutoring facility.

8 (d) Services contracted for and provided by a district public school, chartered public
9 school, public academy, or independent school, including, but not limited to, individual classes and
10 curricular activities and programs.

11 (e) Textbooks, curriculum, or other instructional materials, including, but not limited to,
12 any supplemental materials or associated online instruction required by either a curriculum or an
13 education service provider.

14 (f) Computer hardware, Internet connectivity, or other technological services and
15 devices, that are primarily used to help meet an EFA student's educational needs.

16 (g) Educational software and applications.

17 (h) School uniforms.

18 (i) Fees for nationally standardized assessments, advanced placement examinations,
19 examinations related to college or university admission or awarding of credits and tuition and/or fees
20 for preparatory courses for such exams.

21 (j) Tuition and fees for summer education programs and specialized education programs.

22 (k) Tuition, fees, instructional materials, and examination fees at a career or technical
23 school.

24 (l) Educational services and therapies, including, but not limited to, occupational,
25 behavioral, physical, speech-language, and audiology therapies.

26 (m) Tuition and fees at an institution of higher education.

27 (n) Fees for transportation paid to a fee-for-service transportation provider for the
28 student to travel to and from an education service provider.

29 (o) Any other educational expense approved by the scholarship organization.

30 III. The funds in an EFA may only be used for educational purposes in accordance with
31 paragraph II.

32 IV. EFA funds shall not be refunded, rebated, or shared with a parent or EFA student in
33 any manner. Any refund or rebate for goods or services purchased with EFA funds shall be credited
34 directly to the student's EFA.

35 V. Parents may make payments for the costs of educational goods and services not covered
36 by the funds in their student's EFA. However, personal deposits into an EFA shall not be permitted.

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1 VI. Funds deposited in an EFA shall not constitute taxable income to the parent or the EFA
2 student.

3 VII. An EFA shall remain in force, and any unused funds shall roll over from quarter-to-
4 quarter and from year-to-year until the parent withdraws the EFA student from the EFA program or
5 until the EFA student graduates from high school, unless the EFA is closed because of a substantial
6 misuse of funds. Any unused funds shall revert to the education trust fund established in RSA
7 198:39 and be allocated to fund other EFAs.

8 VIII. Nothing in this chapter shall be construed to require that an EFA student must be
9 enrolled, full- or part-time, in either a private school or nonpublic online school.

10 IX. A home education program pursuant to RSA 193-A:5 is terminated upon the
11 commencement of a student's participation in an EFA program. A parent shall provide notification
12 pursuant to RSA 193-A:5 when a student starts participating in an EFA program.

13 194-F:3 Application for an Education Freedom Account.

14 I. A parent may apply to the scholarship organization to establish an EFA for an eligible
15 student. The scholarship organization shall accept and approve applications for the fall and spring
16 semesters each year and shall establish procedures for approving applications in an expeditious
17 manner.

18 II. The scholarship organization shall create a standard form that parents can submit to
19 establish their student's eligibility for the EFA program and shall ensure that the application is
20 publicly available and may be submitted through various sources, including the Internet.

21 III. The scholarship organization shall approve an application for an EFA if:

22 (a) The parent submits an application for an EFA in accordance with application
23 procedures established by the scholarship organization.

24 (b) The student on whose behalf the parent is applying is an eligible student.

25 (c) Funds are available for the EFA.

26 (d) The parent signs an agreement with the scholarship organization:

27 (1) To provide an education for the eligible student in the core knowledge domains
28 that include science, mathematics, language, government, history, health, reading, writing, spelling,
29 the history of the constitutions of New Hampshire and the United States, and an exposure to and
30 appreciation of art and music.

31 (2) Not to enroll the eligible student as a full-time student in their resident district
32 public school while participating in the EFA program.

33 (3) To provide an annual record of educational attainment by:

34 (A) Having the student take a nationally-standardized, norm-referenced
35 achievement test and to provide the results to the scholarship organization by the end of each school
36 year which the scholarship organization shall make available to the department as aggregate scores;

37 or

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1 (B) Having the student take the statewide student assessment test pursuant to
2 RSA 193-C:6; or

3 (C) Maintaining a portfolio including, but not limited to, a log which designates
4 by title the reading materials used; samples of writings, worksheets, workbooks, or creative
5 materials used or developed by the student. The parent shall have a certified teacher or a teacher
6 currently teaching in a nonpublic school, who is selected by the parent, evaluate the student's
7 educational progress upon review of a portfolio and discussion with the parent or student.

8 (4) To use the funds in the EFA only for qualifying expenses to educate the eligible
9 student as established by the EFA program.

10 (5) To comply with the rules and requirements of the EFA program.

11 IV. The signed agreement between the parent and the scholarship organization shall satisfy
12 the compulsory school attendance requirements of RSA 193:1.

13 V. The scholarship organization shall annually renew a student's EFA if funds are available.

14 VI. Upon notice to the scholarship organization, an EFA student may choose to stop
15 receiving EFA funding and enroll full-time in a public school.

16 (a) Enrolling as a full-time student in the resident district public school shall result in
17 the immediate suspension of payment of additional funds into the student's EFA. However, an EFA
18 that has been open for at least one full school year shall remain open and active for the parent to
19 make qualifying expenditures to educate the student from funds remaining in the EFA. When no
20 funds remain in the student's EFA, the scholarship organization may close the EFA.

21 (b) If an eligible student decides to return to the EFA program, payments into the
22 student's existing EFA may resume if the EFA is still open and active. A new EFA may be
23 established if the student's EFA was closed.

24 194-F:4 Authority and Responsibilities of the Scholarship Organization. The scholarship
25 organization shall have the following additional duties, obligations, and authority:

26 I. The scholarship organization shall maintain an updated list of education service providers
27 and shall ensure that the list is publicly available through various sources, including the Internet.

28 II. The scholarship organization shall provide parents with a written explanation of the
29 allowable uses of EFA funds, the responsibilities of parents, the duties of the scholarship
30 organization, and the role of any financial management firms that the scholarship organization may
31 contract with to administer any aspect of the EFA program.

32 III. The scholarship organization shall ensure that parents of students with disabilities
33 receive notice that participation in the EFA program is a parental placement under 20 U.S.C. section
34 1412, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights
35 that parentally placed students possess under IDEA and any applicable state laws.

36 IV. The scholarship organization shall, in cooperation with the department, determine
37 eligibility for differentiated aid subject to any applicable state and federal laws.

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1 V. The scholarship organization may withhold from deposits or deduct from EFAs an
2 amount to cover the costs of administering the EFA program, up to a maximum of 10 percent
3 annually.

4 VI. The scholarship organization shall implement a commercially viable system for payment
5 of services from EFAs to education service providers by electronic or online funds transfer.

6 (a) The scholarship organization shall not adopt a system that relies exclusively on
7 requiring parents to be reimbursed for out-of-pocket expenses, but rather shall provide maximum
8 flexibility to parents by facilitating direct payments to education service providers. Scholarship
9 organizations may pre-approve requests for reimbursements for qualifying expenses, including
10 expenses pursuant to RSA 194-F:2, II, but shall not disperse funds to parents without receipt that
11 such pre-approved purchase has been made.

12 (b) A scholarship organization may contract with a private institution or organization to
13 develop the payment system.

14 VII. The scholarship organization may also seek to implement a commercially viable system
15 for parents to publicly rate, review, and share information about education service providers, ideally
16 as part of the same system that facilitates the electronic or online funds transfers.

17 VIII. If an education service provider requires partial payment of tuition or fees prior to the
18 start of the academic year to reserve space for an EFA student admitted to the education service
19 provider, such partial payment may be paid by the scholarship organization, if funds are available,
20 prior to the start of the school year in which the EFA is awarded and deducted in an equitable
21 manner from subsequent quarterly EFA deposits to ensure adequate funds remain available
22 throughout the school year; but if an EFA student decides not to use the education service provider,
23 the partial reservation payment shall be returned to the scholarship organization by such education
24 service provider and credited to the student's EFA.

25 IX. The scholarship organization shall continue making deposits into a student's EFA until:

26 (a) The scholarship organization determines that the EFA student is no longer an
27 eligible student.

28 (b) The scholarship organization determines that there was substantial misuse of the
29 funds in the EFA.

30 (c) The parent or EFA student withdraws from the EFA program.

31 (d) The EFA student enrolls full-time in the resident district public school.

32 (e) The EFA student graduates from high school.

33 X. The scholarship organization may conduct or contract for the auditing of individual EFAs,
34 and shall at a minimum conduct random audits of EFAs on an annual basis.

35 XI. The scholarship organization may make any parent or EFA student ineligible for the
36 EFA program in the event of intentional and substantial misuse of EFA funds.

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1 (a) The scholarship organization shall create procedures to ensure that a fair process
2 exists to determine whether an intentional and substantial misuse of EFA funds has occurred.

3 (b) If an EFA student is free from personal misconduct, that student shall be eligible for
4 an EFA in the future if placed with a new guardian or other person with the legal authority to act on
5 behalf of the student.

6 (c) The scholarship organization may refer suspected cases of intentional and
7 substantial misuse of EFA funds to the attorney general for investigation if evidence of fraudulent
8 use of EFA funds is obtained.

9 (d) A parent or EFA student may appeal the scholarship organization's decision to deny
10 eligibility for the EFA program to the department.

11 XII. The scholarship organization may bar an education service provider from accepting
12 payments from EFAs if the scholarship organization determines that the education service provider
13 has:

14 (a) Intentionally and substantially misrepresented information or failed to refund any
15 overpayments in a timely manner.

16 (b) Routinely failed to provide students with promised educational goods or services.

17 XIII. The scholarship organization shall create procedures to ensure that a fair process
18 exists to determine whether an education service provider may be barred from receiving payments
19 from EFAs.

20 (a) If the scholarship organization bars an education service provider from receiving
21 payments from EFAs, it shall notify parents and EFA students of its decision as quickly as possible.

22 (b) Education service providers may appeal the scholarship organization's decision to bar
23 them from receiving payments from the EFA to the department.

24 XIV. The scholarship organization may accept gifts and grants from any source to cover
25 administrative costs, to inform the public about the EFA program, or to fund additional EFAs.

26 XV. The department shall adopt rules that are necessary for the administration of this
27 chapter.

28 XVI. The scholarship organization shall adopt policies or procedures that are necessary for
29 the administration of this chapter. This may include policies or procedures:

30 (a) Establishing or contracting for the establishment of an online anonymous fraud
31 reporting service.

32 (b) Establishing an anonymous telephone number for fraud reporting.

33 (c) Requiring a surety bond for education service providers receiving more than \$100,000
34 in EFA funds.

35 (d) Refunding payments from education service providers to EFAs.

36 (e) Ensuring appropriate use and rigorous oversight of all funds expended under this
37 program.

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1 XVII. The scholarship organization shall not exclude, discriminate against, or otherwise
2 disadvantage any education provider with respect to programs or services under this section based
3 in whole or in part on the provider's religious character or affiliation, including religiously based or
4 mission-based policies or practices.

5 194-F:5 Parent and Education Service Provider Advisory Commission.

6 I. There is established the parent and education service provider advisory commission to
7 assist the scholarship organization by providing recommendations about implementing,
8 administering, and improving the EFA program.

9 II. The commission shall consist of 7 members who shall be parents of EFA students or
10 education service providers and shall represent no fewer than 4 counties in the state. The members
11 shall be appointed by the director of the scholarship organization and serve at the director's pleasure
12 for one calendar year after which they may be reappointed. The director of the scholarship
13 organization, or designee, shall serve as a non-voting chairperson of the commission. The
14 commissioner of the department of education, or designee, shall serve as a non-voting member of the
15 commission.

16 III. The scholarship organization may request the commission to meet, in person or
17 virtually, to review appeals of education service provider denials pursuant to RSA 194-F:4, XI and to
18 provide a recommendation to the scholarship organization as to whether an education service
19 provider should be allowed to receive, or continue receiving, payments from EFAs.

20 194-F:6 Requirements for Education Service Providers.

21 I. The scholarship organization may approve education service providers on its own
22 initiative, at the request of parents, or by notice to the scholarship organization provided by
23 prospective education service providers.

24 II. A prospective education service provider that wishes to receive payments from EFAs
25 shall:

26 (a) Submit notice to the scholarship organization that it wishes to receive payments from
27 EFAs.

28 (b) Agree not to refund, rebate, or share EFA funds with parents or EFA students in any
29 manner, except that funds may be remitted or refunded to an EFA in accordance with procedures
30 established by the scholarship organization.

31 (c) Comply with all state and federal anti-discrimination laws.

32 194-F:7 Independence of Education Service Providers.

33 I. Nothing in this chapter shall be deemed to limit the independence or autonomy of an
34 education service provider or to make the actions of an education service provider the actions of the
35 state government.

36 II. Education service providers shall be given maximum freedom to provide for the
37 educational needs of EFA students without governmental control.

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1 III. Nothing in this chapter shall be construed to expand the regulatory authority of the
2 state, its officers, or any school district to impose any additional regulation of education service
3 providers beyond those necessary to enforce the requirements of the EFA program.

4 IV. Any education service provider that accepts payment from an EFA under this chapter is
5 not an agent of the state or federal government.

6 V. An education service provider shall not be required to alter its creed, practices,
7 admissions policy, or curriculum in order to accept payments from an EFA.

8 194-F:8 Responsibilities of Public Schools and School Districts. A public school, or school
9 district, that previously enrolled an EFA student shall provide a private school that is also an
10 education service provider and that has enrolled an EFA student with a complete copy of the ESA
11 student's school records, in a timely manner, while complying with 20 U.S.C. section 1232g, the
12 Family Educational Rights and Privacy Act of 1974.

13 194-F:9 Legal Proceedings.

14 I. In any legal proceeding challenging the application of this chapter to an education service
15 provider, the state bears the burden of establishing that the law is necessary and does not impose
16 any undue burden on the education service provider.

17 II. No liability shall arise on the part of the scholarship organization or the state or of any
18 public school or school district based on the award of or use of an EFA pursuant to this chapter.

19 III. If any part of this chapter is challenged in a state court as violating either the state or
20 federal constitutions, parents of eligible and/or EFA students shall be permitted to intervene as of
21 right in such lawsuit for the purposes of defending the EFA program's constitutionality. However,
22 for the purposes of judicial administration, a court may require that all parents file a joint brief, so
23 long as they are not required to join any brief filed on behalf of any named state defendant.

24 IV. If any provision of this chapter, or the application thereof to any person or
25 circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this
26 chapter which can be given effect without the invalid provision or application, and to this end the
27 provisions of this chapter are declared to be severable.

28 194-F:10 Phase-Out Grants.

29 I. For each school district, the commissioner shall calculate the amount of the reduction in
30 adequate education grants pursuant to RSA 194-F:2, I for each student receiving an EFA under this
31 chapter. In the first year of the grant reduction, the commissioner shall calculate 50 percent of the
32 reduction for each student and shall disburse that amount to the district as a district funding
33 phaseout grant. In the second year of the grant reduction, the commissioner shall calculate 25
34 percent of the reduction for each student and shall disburse that amount to the district as a district
35 funding phase-out grant. All district funding phase-out grants shall be included in the September 1
36 disbursement required pursuant to RSA 198:42.

37 II. The phase-out grants will terminate for new EFA students receiving an EFA effective

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1 July 1, 2026.

2 194-F:11 Appropriation From Education Trust Fund. The amount necessary to fund any grants
3 or transfers of funds authorized under this chapter is hereby appropriated to the department from
4 the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant
5 from the education trust fund to satisfy the state's obligation under this section. Such warrant for
6 payment shall be issued regardless of the balance of funds available in the education trust fund. If
7 the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the
8 comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The
9 commissioner of the department of administrative services shall inform the fiscal committee and the
10 governor and council of such balance. This reporting shall not in any way prohibit or delay the
11 distribution of any grant or transfer of funds authorized under this chapter.

12 194-F:12 Legislative Oversight Committee Established. There is established an education
13 freedom savings account oversight committee.

14 I. The members of the committee shall be as follows:

15 (a) Two members of the senate, one of whom shall be a member of the majority party
16 and one of whom shall be a member of the minority party, appointed by the president of the senate.

17 (b) Three members of the house of representatives, one of whom shall be a member of
18 the majority party and one of whom shall be a member of the minority party, appointed by the
19 speaker of the house of representatives.

20 II. Members of the committee shall receive mileage at the legislative rate when attending to
21 the duties of the committee.

22 III. The committee shall monitor the implementation of RSA 194-F, including the impact of
23 state education funding to local district schools, and make recommendations for any legislative
24 changes to the education freedom savings account program.

25 IV. The members of the study committee shall elect a chairperson from among the members.
26 The first meeting of the committee shall be called by the first-named senate member. The first
27 meeting of the committee shall be held within 45 days of the effective date of this section. Three
28 members of the committee shall constitute a quorum.

29 V. The committee shall submit a report on or before November 30, 2022, and each year
30 thereafter, to the general court including findings, recommendations, and any corrective or technical
31 improvements that the education freedom account program may require.

32 91:432 Duty of Parent; Compulsory Attendance by Pupil. Amend RSA 193:1, I(g) and (h) to read
33 as follows:

34 (g) The pupil has been accepted into an accredited postsecondary education program;

35 [~~or~~]

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1 (h) The pupil obtains a waiver from the superintendent, which shall only be granted
2 upon proof that the pupil is 16 years of age or older and has an alternative learning plan for
3 obtaining either a high school diploma or its equivalent.

4 (1) Alternative learning plans shall include age-appropriate academic rigor and the
5 flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but
6 are not limited to, such components or combination of components of extended learning opportunities
7 as independent study, private instruction, performing groups, internships, community service,
8 apprenticeships, and on-line courses.

9 (2) Alternative learning plans shall be developed, and amended if necessary, in
10 consultation with the pupil, a school guidance counselor, the school principal and at least one parent
11 or guardian of the pupil, and submitted to the school district superintendent for approval.

12 (3) If the superintendent does not approve the alternative learning plan, the parent
13 or guardian of the pupil may appeal such decision to the local school board. A parent or guardian
14 may appeal the decision of the local school board to the state board of education consistent with the
15 provisions of RSA 21-N:11, III; *or*

16 (i) ***The pupil is enrolled in the education freedom account program pursuant to***
17 ***RSA 194-F and is therefore exempt from this requirement.***

18 91:433 Effective Date. Sections 431 and 432 of this act shall take effect 60 days after its
19 passage.

20 91:434 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899,
21 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

22 SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
23 auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
24 of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
25 district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
26 commissioners shall have within the district all the powers of the mayor and aldermen of any city
27 respecting highways, sidewalks, and sewers. They shall control and direct the expenditure of all
28 moneys raised under authority of the district and by the town of Haverhill for expenditure in the
29 district. They shall have sole authority to appoint a highway surveyor in said district, and in default
30 of such appointment shall themselves perform the duties of that office. The surveyor or
31 commissioners performing the duties of highway surveyor in the district shall give bond to the town
32 to account for all money coming into their hands, and for the proper care and custody of the property
33 of the town or district which may come into their custody or control, and shall be deemed officers of
34 the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
35 district respecting highways within its limits. ***Nothing in this section shall preclude the***
36 ***Woodsville fire district from maintaining the roads within the precinct at its own expense.***
37 Vacancies that may occur in the office of commissioner in the district shall be filled by appointment

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1 of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy
2 shall hold office only until the next annual district meeting. Commissioners shall be residents of the
3 district. ~~[The money appropriated for the distribution of highway funds in the district which is~~
4 ~~attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall~~
5 ~~be the assessed valuation of the properties in the district, and the denominator of which shall be the~~
6 ~~assessed valuation of the properties in the entire town of Haverhill as determined annually from the~~
7 ~~town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such~~
8 ~~fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.]~~

9 ***Highway block grant funds shall be distributed in accordance with the department of***
10 ***transportation formula. Any appropriations to the Woodsville fire district shall be as***
11 ***directed by warrant articles duly voted by the voters present and voting at each annual***
12 ***Haverhill town meeting.***

13 91:435 Financial Audit Requirement. No later than one year after the effective date of section
14 434 of this act, the Woodsville fire district shall provide financial audits by a certified public
15 accountant approved by the department of revenue administration that is compliant with generally
16 accepted accounting practices (GAAP), of all funds received from the town of Haverhill and all other
17 sources including state and federal funds, and of all funds expended by the fire district, for each
18 calendar year commencing January 1, 2015 to the effective date of section 434 of this act, as directed
19 by the department of revenue administration. The department of revenue administration shall
20 approve the scope of the audit and shall receive monthly updates from the certified public
21 accountant and the Woodsville fire district on the status of the audit while it is in progress. The
22 results of the audit shall be published on the town of Haverhill website within 60 days of delivery by
23 the certified public accountant to the Woodsville fire district and the department of revenue
24 administration. The audit shall be at the expense of the Woodsville fire district. Reimbursement of
25 any expenses related to the audit incurred by the department of revenue administration shall be in
26 accordance with the provisions of RSA 21-J:22. The department of revenue administration may levy
27 a fine of \$250 per day against the Woodsville fire district for every day of noncompliance with section
28 434 of this act beyond one year from the effective date of section 434 of this act. The commissioner
29 may waive such fine at his or her discretion, subject to the good faith efforts of the Woodsville fire
30 district to comply with all relevant laws and the provisions of section 434 of this act.

31 91:436 Effective Date. Sections 434 and 435 of this act shall take effect upon its passage.

32 91:437 Findings.

33 I. On March 13, 2020, the governor signed the first declaration of a state of emergency due
34 to COVID-19. As of January 1, 2021, this order has been extended 14 times.

35 II. Between March 26, 2020 and June 16, 2020, a "Stay at Home" order had been in-place
36 under the authority of the governor as measure to prevent the spread of COVID-19. This order

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1 included the closing of schools, prohibited gatherings of 10 or more people, and limited business
2 operations that were not considered essential.

3 III. Between March and August of 2020, 449 New Hampshire business closed temporarily or
4 permanently, with 280 remaining closed.

5 IV. New Hampshire began “reopening” on May 11, 2020 with restrictions, some of which
6 remain in place today and continue to impact the micro enterprise sector, those businesses with
7 between 1 and 5 employees including the proprietor. According to the Small Business
8 Administration, Office of Advocacy, there are 25,478 business with between 1-19 employees and
9 101,795 non-employer businesses.

10 V. It is incumbent upon the state government to take prompt, proactive, and continuing
11 action to protect the economic health of New Hampshire communities through building out the
12 infrastructure and sustainability of micro enterprises.

13 91:438 New Subdivision; COVID-19 Micro Enterprise Relief Fund. Amend RSA 12-O by
14 inserting after section 63 the following new subdivision:

COVID-19 Micro Enterprise Relief Fund

15 12-O:64 COVID-19 Micro Enterprise Relief Fund.

16 I. There is established in the office of the state treasurer a fund to be known as the COVID-
17 19 micro enterprise relief fund. Notwithstanding RSA 4:45, RSA 4:47, RSA 21-P:43, or any other law
18 to the contrary, to the extent permissible under federal law any federal funds received by the state in
19 response to the COVID-19 public health emergency may be deposited into the fund.

20 II. Funds shall be disbursed at the discretion of the commissioner to the 10 New Hampshire
21 regional economic development corporations to be awarded to local or regional micro enterprises.
22 Each regional development corporation shall be eligible to receive funds. Each regional development
23 economic council shall be authorized to assess an administrative fee up to 10 percent of the funds
24 received through the state to manage this grant program. Any regional economic development
25 corporation that does not award all of the funds received in grants to local micro enterprises shall
26 return the funds to micro enterprise relief fund at the department of business and economic affairs
27 for redistribution at the discretion of the commissioner.

28 III. With each award, an agreement for technical assistance shall be put in place between
29 the regional development corporation, the New Hampshire small business development center, and
30 the micro enterprise to support the implementation of the funds. Eighteen months after the
31 implementation of the program, the regional economic development councils will prepare and submit
32 reports to the commissioner, that include the number of grants and the amounts, and the use of each
33 grant by the recipient. The commissioner shall compile these reports and submit a compiled report
34 to the speaker of the house of representatives, the senate president, the house clerk, the senate
35 clerk, the state library, and the governor.
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1 IV. Regional economic development corporations shall award one-time grants to support one
2 or more areas of need, including development of e-commerce capabilities, upgrading business
3 practices, or maintaining storefront presence. The regional economic development corporations shall
4 ensure micro enterprises awarded grants pursuant to this subdivision are provided such assistance
5 as may be necessary to support implementation of any grants awarded.

6 V. For purposes of this subdivision, "micro enterprise" shall mean an entity with 10 or fewer
7 employees, including any proprietor, that has been in business prior to March 13, 2020, when the
8 governor signed the first declaration of a state of emergency due to COVID-19 and that has
9 demonstrated a financial impact during the COVID-19 public health emergency, such as temporary
10 closure, reduction in workforce, or loss of revenue of 50 percent or greater when compared to the
11 same time period during the previous year. Financial statements demonstrating losses, closures, or
12 reduction in workforce shall be supplied as part of the application process.

13 91:439 New Subparagraph; Application of Receipts; COVID-19 Micro Enterprise Relief Fund.
14 Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

15 (365) Moneys deposited into the COVID-19 micro enterprise relief fund established
16 in RSA 12-O:64.

17 91:440 Purpose Statement. Independent live venues are important entertainment hubs and
18 economic multipliers for New Hampshire's local economies. They serve as critical tax bases as
19 employers and tourism destinations and as revenue generators for neighboring businesses such as
20 restaurants, hotels, and retail. The cultural impact of New Hampshire's independent live venues is
21 difficult to calculate and serves as an important draw for young people to the state. Unfortunately,
22 these businesses were among the first to close as COVID-19 spread across the country, will likely be
23 the last to reopen, and will take years to recover if they can stay in business at all. Smaller venues
24 with a capacity of 300 or less are being impacted the most by the COVID-19 economic and public
25 health crisis. Sections 441-444 of this act provides targeted assistance and long-term planning
26 support and recognizes the importance of independent live venues to New Hampshire's economy.

27 91:441 Council on the Arts; Declaration of Policy. Amend RSA 19-A:1 to read as follows:

28 19-A:1 Declaration of Policy. It is hereby found that many of our citizens lack the opportunity to
29 view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and
30 ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts
31 generally. It is hereby further found that, with increasing leisure time, the practice and enjoyment
32 of the arts are of increasing importance and that the general welfare of the people of the state will be
33 promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as
34 a valued means of expanding the scope of our educational programs. ***It is hereby further found***
35 ***that arts organizations and businesses are important entertainment hubs and economic***
36 ***multipliers for New Hampshire's local economies. They serve as critical tax bases as***
37 ***employers and tourism destinations and as revenue generators for neighboring businesses***

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1 *such as restaurants, hotels, and retail. The cultural impact of New Hampshire's creative*
2 *sector is difficult to calculate and serves as an important draw for young people to the*
3 *state.* It is hereby declared to be the policy of the state to join with private patrons and with
4 institutions and professional organizations concerned with the arts to insure that the role of the arts
5 in the life of our communities will continue to grow and will play an ever more significant part in the
6 welfare and educational experience of our citizens. It is further declared that all activities
7 undertaken by the state in carrying out this policy shall be directed toward encouraging and
8 assisting rather than in any ways limiting the freedom of artistic expression that is essential for the
9 well-being of the arts.

10 91:442 Council on the Arts; Report. Amend RSA 19-A:7 to read as follows:

11 19-A:7 Reports. The council shall make biennial reports to the governor and council. *The*
12 *council's strategic plan and biennial report under this section shall address the activities*
13 *related to the save our granite stages fund created under RSA 19-A:15.*

14 91:443 New Subdivision; Council on the Arts; Save Our Granite Stages Fund. Amend RSA 19-A
15 by inserting after section 14 the following new subdivision:

Save Our Granite Stages Fund

17 19-A:15 Save Our Granite Stages Fund. There is hereby established the save our granite stages
18 fund, which shall be appropriated for fiscal year 2022 to the New Hampshire state council on the
19 arts for the purpose of providing grants to both non-profit and for-profit live venues that did not
20 receive a grant from the federal Shuttered Venue Operators (SVO) program, which was established
21 by Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (P.L. 116-260). The fund
22 shall be nonlapsing and kept separate and distinct from all other funds. Notwithstanding any other
23 provision of law, any discretionary federal funds received by the state in response to the COVID-19
24 public health emergency may be deposited into the fund. In addition to state appropriations, the
25 council may accept grants, gifts, and donations for deposit in the fund.

26 91:444 New Subparagraph; Dedicated Funds; Save our Granite Stages Fund. Amend RSA 6:12,
27 I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited in the save our granite stages fund under RSA 19-A:15.

29 91:445 Repeal; 2023. RSA 19-A:15 and RSA 6:12, I(b)(365), relative to the save our granite
30 stages fund, as inserted by this act, are repealed.

31 91:446 Effective Date.

32 I. Section 445 of this act shall take effect June 30, 2023.

33 II. Sections 437 through 444 of this act shall take effect upon its passage.

34 91:447 Department of Health and Human Services; Child Protective Service Worker Positions;
35 Appropriation.

36 I. The sums of \$727,388 for the fiscal year ending June 30, 2022 and \$779,983 for the fiscal
37 year ending June 30, 2023 are hereby appropriated to the department of health and human services

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1 for the purpose of funding 10 child protective service worker (CPSW) positions in addition to those
2 funded by the operating budget. Of the amount appropriated in the fiscal year ending June 30, 2022,
3 \$519,792 shall be state general funds and \$207,596 shall be federal funds. Of the amount
4 appropriated in the fiscal year ending June 30, 2023, \$557,376 shall be state general funds and
5 \$222,607 shall be federal funds. The governor is authorized to draw a warrant for the general fund
6 share of said amounts out of any money in the treasury not otherwise appropriated.

7 II. If all CPSW positions authorized by paragraph I and the operating budget are filled
8 during the biennium ending June 30, 2023, the department may request additional funds from the
9 fiscal committee of the general court to fund up to 12 additional CPSW positions. With the approval
10 of the fiscal committee of the general court, the amount necessary to fund the additional CPSW
11 positions shall be appropriated to the department of health and human services for the biennium
12 ending June 30, 2023. The governor is authorized to draw a warrant for the general fund share of
13 said amount out of any money in the treasury not otherwise appropriated.

14 91:448 Department of Health and Human Services; Appropriation. The sum of \$600,000 for the
15 fiscal year ending June 30, 2022 and the sum of \$600,000 for the fiscal year ending June 30, 2023 are
16 hereby appropriated to the department of health and human services, account 05-95-90-902010-
17 7047, for the purpose of funding community collaboration and parental assistance programs. The
18 governor is authorized to draw a warrant for said sums out of any money in the treasury not
19 otherwise appropriated.

20 91:449 Appropriation; Department of Military Affairs and Veterans Services; Civil Air Patrol.
21 The sum of \$40,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the
22 department of military affairs and veterans services, accounting unit 02-12-12-120010-2272, civil air
23 patrol. Said appropriation shall not lapse until June 30, 2023 and shall be in addition to any other
24 funds appropriated to the department of military affairs and veterans services. The governor is
25 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
26 appropriated

27 91:450 Effective Date. Section 449 of this act shall take effect June 30, 2021.

28 91:451 Department of Energy; Position Transferred. Notwithstanding any provision of law to
29 the contrary, the department of energy shall transfer position #9U141 from accounting unit 02-52-
30 55-550010-1892, Adjudicative Commissioners, to accounting unit 02-52-55-521010-1891,
31 Administrative Support, along with any associated appropriations.

32 91:452 House of Representatives; Mileage. Notwithstanding RSA 14:15-a, RSA 14:15-b, or any
33 other law to the contrary, all members of the house of representatives shall, with the approval of the
34 speaker of the house of representatives, be permitted to receive reimbursements for mileage for trips
35 to and from a member's home to Bedford, New Hampshire for the June 24, 2021 house session.

36 91:453 Effective Date. Section 452 of this act shall take effect upon its passage and shall apply
37 retroactively to June 24, 2021.

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1 91:454 Medical Insurance Subsidy Trust Account Review. The office of the legislative budget
2 assistant shall conduct a comprehensive review of the medical insurance subsidy trust account
3 including but not limited to the transfer of funds to and from the New Hampshire retirement system
4 and the state and other former employers, rate setting, trust account record keeping and reporting,
5 compliance with state and federal legislation and other relevant factors as determined by the
6 legislative budget assistant.

7 91:455 Nullification of Prior Legislation. SB 85-FN of the 2021 regular legislative session,
8 establishing a broadband matching grant initiative and fund, shall not take effect.

9 91:456 Broadband Matching Grant Initiative; Findings and Purpose. The COVID-19 pandemic
10 has shown the absolute necessity for broadband Internet access for all New Hampshire residents for
11 working, education, medicine, social interaction, and other purposes. The pandemic has also shown
12 gaps in adequate coverage primarily in rural areas of New Hampshire. Increasingly residents are
13 going to require better access to broadband at a sufficient upload and download speed. A matching
14 grant that utilizes state and federal funds shall be matched by political subdivision and private
15 funds is essential to improved broadband access. The general court recognizes that a public-private
16 partnership is essential to developing broadband access required in New Hampshire.

17 91:457 New Subdivision; Broadband Matching Grant Initiative; Department of Business and
18 Economic Affairs. Amend RSA 12-O by inserting after section 60 the following new subdivision:

Broadband Matching Grant Initiative

19 12-O:61 Broadband Matching Grant Initiative Established.

20
21 I. There is hereby established within the department of business and economic affairs a
22 broadband matching grant initiative, the purpose of which shall be to provide matching grants to
23 broadband providers, political subdivisions, and communications districts in order to improve
24 broadband availability across the state. When awarding grants, the department shall take into
25 consideration broad geographic coverage of broadband services in New Hampshire and participation
26 of political subdivisions and broadband providers in the grant process that will support business and
27 residential users.

28 II. Eligible projects shall provide high speed Internet access in unserved areas of the state
29 that lack access to broadband services, as defined in RSA 38:38, I(f), from at least one broadband
30 provider.

31 III. Any broadband provider, political subdivision, or communications district formed under
32 RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project.
33 Projects under construction at the time of application shall be ineligible. Projects in the planning
34 stages shall be eligible.

35 12-O:62 Program Guidelines; Rulemaking.

36 I. The department of business and economic affairs shall adopt rules under RSA 541-A,
37 relative to grant application and distribution procedures.

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1 II. The rules shall, at a minimum, include the following:

2 (a) Establishment of a technology-neutral competitive grant process based on objective
3 criteria.

4 (b) Establishment of a challenge process, with reasonable timelines, through which
5 information may be provided to the state to ensure that funds are not used to build projects in served
6 areas or areas where construction has commenced. Projects in planning, design, or terms
7 negotiations, and not under construction as of January 1, 2021, shall be eligible for funding.

8 (c) A method to ensure an applicant's trade secrets, financial information, and
9 proprietary information submitted as part of an application are exempt from disclosure under RSA
10 91-A.

11 (d) Establishment of a process that promotes faster service, up to and including gigabit
12 service.

13 III. The department of business and economic affairs shall ensure that any grants awarded
14 to broadband providers are provided with an appropriate level of consultation with the local
15 governing bodies and a determination that the grants advance the goal of deploying broadband to
16 unserved areas within communities.

17 IV. Eligible costs for the program shall include, but are not limited to:

18 (a) Costs associated with access to utility poles and other necessary structures.

19 (b) Construction of broadband network infrastructure in eligible areas.

20 (c) Construction of service connections to individual homes or businesses.

21 (d) Upgrades to existing infrastructure that currently provides service that does not
22 meet the minimum definition of broadband in RSA 38:38, I(c).

23 (e) All other costs directly attributable to the construction project. In cases where a cost
24 is shared with another ongoing project, shared costs shall be prorated.

25 (f) Planning costs related to network design and program eligibility.

26 V. Eligible costs shall not include any operating expenses or other recurring costs.

27 VI. The broadband provider, political subdivision, or communications district shall provide a
28 minimum of 50 percent of the total cost of the project. Sources of the match may include revenue
29 bonds issued by the political subdivision, bonds issued by the communication district, or private
30 investment by broadband providers either jointly or independently. Sources of the match provided
31 by broadband providers shall not include other federal or state funding awarded specifically to
32 support the expansion of broadband networks.

33 VII. The department of business and economic affairs shall not, as a condition of an award of
34 grant money, impose any requirement, rate regulation, or other term or condition of service that
35 differs from the applicant's terms or conditions of service in its other service areas.

36 12-O:63 Broadband Matching Grant Fund.

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1 I. There is hereby established the broadband matching grant fund. The fund shall be kept
2 separate and distinct from all other funds and shall be continually appropriated to the commissioner
3 of the department of business and economic affairs for the purposes of this subdivision. In addition
4 to state appropriations, the department may accept gifts, grants, and donations for deposit into the
5 fund.

6 II. Any federal funds received by the state for the purposes of expanding or improving
7 Internet access that are not otherwise committed to other programs or required by the federal
8 legislation authorizing the funds shall be deposited into the broadband matching grant fund.

9 91:458 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA
10 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

11 (365) Moneys deposited in the broadband matching grant fund under RSA 12-O:63.

12 91:459 Emergency Powers; Notice; Termination at 21 Days. Amend RSA 4:45, I and II to read
13 as follows:

14 I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-
15 P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made
16 disaster of major proportions is imminent or has occurred within this state, and that the safety and
17 welfare of the inhabitants of this state require an invocation of the provisions of this section. ***As***
18 ***soon as practicable, the governor shall notify the speaker of the house of representatives***
19 ***and the senate president of the impending issuance of emergency orders under this section***
20 ***and provide a description of such orders.*** The general court shall have the same power to
21 declare a state of emergency by concurrent resolution of the house and senate. An executive order or
22 concurrent resolution declaring a state of emergency shall specify the:

- 23 (a) Nature of the emergency;
24 (b) Political subdivisions or geographic areas subject to the declaration;
25 (c) Conditions that have brought about the emergency; and
26 (d) Duration of the state of emergency, if less than 21 days.

27 II.(a) A state of emergency shall terminate automatically 21 days after its declaration unless
28 it is renewed under the same procedures set forth in paragraph I of this section. The governor may,
29 by executive order, renew a declaration of a state of emergency as many times as the governor finds
30 is necessary to protect the safety and welfare of the inhabitants of this state.

31 (b) If the governor finds that maintaining the state of emergency is no longer justified,
32 the governor shall issue an executive order terminating the state of emergency.

33 (c) ~~[-The legislature may terminate a state of emergency by concurrent resolution~~
34 ~~adopted by a majority vote of each chamber. The governor's power to renew a declaration of A state~~
35 ~~of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph;~~
36 ~~provided, however, that such resolution shall not preclude the governor from declaring a new~~
37 ~~emergency for different circumstances under paragraph I of this section.] ***The legislature may***~~

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1 *terminate a state of emergency or any emergency order issued thereunder by a majority*
2 *vote of both the senate and the house of representatives. A majority for this vote shall*
3 *consist of a majority of members present and voting in each chamber acting separately. A*
4 *state of emergency shall terminate upon a majority vote of both chambers under this*
5 *subparagraph;* provided, however, that such [~~resolution~~] *vote* shall not preclude the governor from
6 declaring a new emergency for different circumstances under paragraph I of this section.

7 *(d) Ninety days from the date of declaration of a state of emergency, and every*
8 *90 days thereafter, the governor shall call, pursuant to Part II, Article 50 of the New*
9 *Hampshire constitution, and address a joint session of the general court, and shall provide*
10 *a written copy of the address to all members of both chambers within 5 business days. At*
11 *such joint session, the legislature shall vote on whether to terminate the state of emergency*
12 *by concurrent resolution adopted by a simple majority of both chambers acting separately*
13 *on the following question: "Shall the current state of emergency be terminated?" For*
14 *purposes of this section, "simple majority" means a majority of members present and voting*
15 *"yea" in both chambers.*

16 91:460 New Paragraphs; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45
17 by inserting after paragraph III the following new paragraphs:

18 IV. Members of the legislature shall be exempt from any emergency orders that would
19 infringe on their ability to travel and conduct their business as representatives of the people.

20 V. No federal, private, or other non-state gift, grant, or loan for purposes of emergency
21 powers of the state which exceeds \$100,000, shall be accepted until such action shall be approved by
22 the fiscal committee of the general court according to RSA 14:30-a, VI. Under this section, the
23 governor shall submit an item to the chairperson of the fiscal committee of the general court for
24 consideration by the fiscal committee. If the fiscal committee of the general court does not accept or
25 reject the item within 5 business days, the governor may accept and expend the funds without
26 further action by the fiscal committee.

27 VI. Under circumstances requiring emergency action for the immediate health, safety and
28 welfare of the citizens of New Hampshire, the governor has the sole authority to accept and expend
29 funds hereunder. Within 24 hours of the governor's acceptance or expenditure of funds pursuant to
30 this section, the governor shall notify the senate president, speaker of the house of representatives,
31 and chair of the fiscal committee of the general court of the acceptance or expenditure of such funds.

32 91:461 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after
33 section 43 the following new section:

34 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this
35 subdivision under a state of emergency to the executive council for informational purposes only
36 within 30 days of the expenditure, in order to ensure transparency.

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1 (a) Because of the birth of a child of the employee, within the past 12 months;

2 (b) Because of the placement of a child with the employee for adoption or fostering
3 within the past 12 months;

4 (c) Because of a serious health condition of a family member; or

5 (d) Because of any qualifying exigency arising from foreign deployment with the armed
6 forces, or to care for a service member with a serious injury or illness as permitted under the federal
7 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)-
8 (8), as they existed on October 19, 2017, for family members as defined in paragraph VI.

9 V. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
10 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

11 VI. "Family member" means a "child" as defined in paragraph I, a biological, adoptive, or
12 foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a
13 biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner.

14 VII. "FMLI" means family and medical leave insurance providing wage replacement benefits
15 under specified conditions.

16 VIII. "Serious health condition" means any illness of a family member covered by the Family
17 and Medical Leave Act including treatment for addiction as prescribed by a treating clinician,
18 consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental
19 health condition, consistent with American Psychiatric Association criteria.

20 IX. "State rate" means the per employee premium amount that is charged by the successful
21 bidder for the state contract for FMLI coverage for state government employees as provided in this
22 subdivision. The state rate shall be expressed as a percentage of wages.

23 21-I:99 Contracting and Administrative Authority.

24 I. The commissioner may solicit information about, seek proposals for, negotiate, enter into,
25 and administer group insurance contracts with duly authorized accident and life insurance carriers
26 as necessary and appropriate to provide to qualifying state employees, at state expense and at no
27 cost to such employees, an FMLI plan of wage replacement as described in this subdivision. The
28 provision of this coverage shall be considered a matter of legislatively established public policy that
29 is designed to benefit all employers and employees in the state and that is "confined exclusively to
30 the public employer by statute" as provided in RSA 273-A:1, XI and shall not be subject to collective
31 bargaining. Nothing in this subdivision shall be construed to invalidate any portion of a collective
32 bargaining agreement entered into by the state.

33 II. The state shall provide to all permanent state employees wage replacement coverage for
34 qualified leave, which shall be available for the same types of leave as protected under the Family
35 and Medical Leave Act except leave for a health condition of the employee. This shall include leave
36 for:

37 (a) The birth of a child and the care of the newborn child within one year of birth;

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1 (b) The placement with the employee of a child for adoption or foster care and the care of
2 the newly placed child within one year of placement;

3 (c) Caring for the employee's spouse, child, or parent who has a serious health condition;
4 or

5 (d) Any qualifying exigency arising out of the fact that the employee's spouse, child, or
6 parent is a covered military member on covered active duty, or caring for a covered service-member
7 with a serious injury or illness if the eligible employee is the service-member's spouse, child, parent,
8 or next of kin.

9 III. Subject to any changes authorized under RSA 21-I:103, the wage replacement benefits
10 under this FMLI plan shall be structured as follows:

11 (a) Eligible employees shall receive 60 percent of their average weekly wage.

12 (b) The maximum duration of wage replacement shall be 6 weeks per year, with no
13 minimum duration required.

14 (c) Wages used to determine the 60 percent FMLI coverage shall be capped at the
15 amount of the Social Security taxable wage maximum as amended from time to time.

16 IV. Except as provided in RSA 21-I:100, III regarding individual pool coverage, the
17 commissioner shall establish, through his or her discretionary authority in administering the
18 request for information and the request for proposals process, the following additional elements of
19 the benefit structure consistent with the purposes and policy of this subdivision:

20 (a) The base period by which the average weekly wage shall be determined.

21 (b) The tenure requirement, expressed in terms of months of work, before an employee is
22 eligible to be covered provided, however, that no tenure requirement shall apply to an employee who
23 has already met the requirement and then changes jobs.

24 (c) A waiting period or elimination period provided, however, that a waiting or
25 elimination period shall not be a required element of the benefit structure, and the commissioner
26 shall have authority to implement a plan with no such requirement.

27 21-I:100 State Employee Coverage Linked to Coverage Offerings for Other Employers and for
28 Individual Employees. The commissioner shall include in the request for proposals for FMLI
29 benefits for state employees a requirement that the winning bidder shall, as a condition of the state
30 contract, also offer the same FMLI coverage to other public employers, private employers with more
31 than 50 employees, and individual employees on the following terms:

32 I. Private and public non-state employers shall receive a rate that is derived from the state
33 rate through the application of rating factors that are actuarially justified and specified in the bid
34 response.

35 II. Employers with more than 50 employees who choose to sponsor coverage for their
36 employees shall contract directly with the winning bidder.

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1 III. Individuals who work for employers who choose not to offer FMLI coverage under this
2 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI
3 benefit that is at least equivalent to the granite state paid family leave plan shall have the
4 opportunity to contract indirectly with the winning bidder through the purchasing pool for family
5 and medical leave insurance authorized under RSA 282-B and administered by the department of
6 employment security. The pool may be experience rated. Coverage through the pool shall include a
7 7-month waiting period, a one-week elimination period, and a 60-day annual open enrollment period
8 as established by the commissioner in the procurement process. Premiums for individual pool
9 coverage shall not exceed \$5 per subscriber per week.

10 IV. The commissioner shall establish, through his or her discretionary authority in
11 administering the request for information and the request for proposals process, the following
12 additional elements of the benefit structure and plan administration specifically for employees of
13 sponsoring non-state employers consistent with the purposes and policy of this subdivision:

14 (a) The minimum participation requirement.

15 (b) The parameters for open enrollment periods.

16 (c) Procedures for contributory plans, partially contributory plans, and non-contributory
17 plans.

18 (d) Procedures for payroll deduction and premium remittance for employers with more
19 than 50 employees.

20 21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state
21 employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no
22 cost to their employees or on a contributory or partially contributory basis.

23 21-I:102 Procurement Process. The commissioner may issue a request for information or a
24 request for proposals to secure FMLI coverage for all eligible employees of the state of New
25 Hampshire and to make advantageously priced coverage available to all other private employers
26 with more than 50 employees and public employers in the state as provided in this subdivision. The
27 department, the department of employment security, and the department of insurance shall jointly
28 evaluate the proposals received in response to the request for proposals. The department shall
29 contract with an insurance carrier or carriers to provide FMLI coverage. The contract with the
30 winning bidder shall be subject to governor and council approval. The selected insurance carrier
31 shall be licensed by the state of New Hampshire and in good standing. The selected insurance
32 carrier shall be subject to all applicable insurance laws and regulations of the state of New
33 Hampshire, and the rates and forms for the FMLI contracts shall be filed for approval with the
34 insurance commissioner.

35 21-I:103 Commissioner Discretion to Adjust Initial FMLI Benefit Structure. In exercising
36 authority under this subdivision to contract for FMLI coverage for state employees and also for the
37 availability of advantageously priced FMLI coverage for employees of all non-state employers, the

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1 commissioner shall have discretionary authority in initiating this program to make changes to the
2 benefit structure of the FMLI plan under RSA 21-I:99, III and may retain a consulting actuary or
3 other benefit advisors in support of this discretionary determination. This discretionary authority
4 shall be exercised in consideration of the stated purposes and policy goals of this subdivision and of
5 the counsels of the FMLI advisory board established in RSA 21-I:104. Any such changes made under
6 this paragraph shall be subject to approval by the governor and council and the legislative fiscal
7 committee prior to implementation and shall be offered by the legislative fiscal committee as an
8 amendment to this subdivision in the next regular session of the general court.

9 21-I:104 Family and Medical Leave Insurance Advisory Board. There is hereby established the
10 family and medical leave insurance advisory board, which shall be administratively attached to the
11 department, and which shall hereinafter be called the FMLI advisory board. The FMLI advisory
12 board shall consist of 9 members to be appointed, with the exception of the legislative members, by
13 the governor. Three of the appointees shall be persons who, because of their vocations, employment,
14 or affiliations, shall represent employers; 3 shall be persons who, because of the vocations,
15 employment, or affiliations, shall represent employees; one shall be a senator appointed by the
16 senate president; one shall be a representative appointed by the speaker of the house of
17 representatives; the remaining appointee, who shall be appointed as chairman, shall be a person
18 whose training and experience qualify her or him to successfully resolve the problems of FMLI
19 procurement, eligibility, benefit design, and program administration. The advisory board shall meet
20 no later than 45 days after each calendar quarter and aid the commissioner in formulating policies
21 and discussing problems related to the implementation and administration of this subdivision and
22 RSA 282-B and in assuring impartiality and freedom from political influence in the solution of such
23 problems. Advisory board meetings shall provide opportunity for public comment.

24 21-I:105 Report and Outreach.

25 I. Working in coordination with the commissioner of administrative services as provided in
26 RSA 282-B:6, I, the department shall produce, on an annual basis, a summary report on the granite
27 state paid family leave plan. This report shall be made public and delivered to the governor, the
28 senate president, and the speaker of the house of representatives. It shall include, but not be limited
29 to, a description of progress in carrying out the processes contemplated under this subdivision,
30 progress in improving the rate of FMLI coverage of employees in the state, and recommendations for
31 more fully achieving the purposes and policy goals of this subdivision.

32 II. Working in coordination with the department of employment security as provided in RSA
33 282-B:6, II, the department shall develop and implement an outreach program to ensure that
34 employers who might benefit from sponsoring FMLI coverage for their employees and individuals
35 who may be eligible to receive FMLI coverage under this subdivision are made aware of this
36 program. Outreach information shall explain in an easy to understand format, eligibility

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1 requirements, benefit structures, and the process for accessing coverage, enrolling individuals, and
2 qualifying for the business tax credit provided for in RSA 77-E:3-d.

3 21-I:106 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
4 necessary for the implementation of this chapter.

5 21-I:107 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the
6 general fund to the department of administrative services for payment of the administrative and
7 implementation costs associated with this chapter.

8 21-I:108 Program Start-up. The request for proposals for FMLI coverage as described in this
9 subdivision shall be issued no later than March 31, 2022. The FMLI coverage shall be in place for
10 state government employees and available for purchase by other public and private employers with
11 more than 50 employees and individuals by January 1, 2023.

12 91:465 Insurance; Allocation of State Premium Tax. Amend RSA 400-A:32, III to read as
13 follows:

14 III.(a) Except as provided in [~~subparagraph (b)~~] **subparagraphs (b) and (c)**, the taxes
15 imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to
16 the state treasurer for deposit to the general fund.

17 (b) Taxes imposed attributable to premiums written for medical and other medical
18 related services for the newly eligible Medicaid population as provided for under RSA 126-AA shall
19 be deposited into the New Hampshire granite advantage health care trust fund established in RSA
20 126-AA:3. The commissioner shall notify the state treasurer of sums for deposit into the New
21 Hampshire granite advantage health care trust fund no later than 30 days after receipt of said taxes.
22 The moneys in the trust fund may be used for the administration of the New Hampshire granite
23 advantage health care program, established in RSA 126-AA.

24 (c) **Taxes imposed on premiums written by duly authorized insurance**
25 **companies for family and medical leave insurance written in connection with the**
26 **administration of RSA 21-I:96 through RSA 21-I:108 or RSA 282-B shall be deposited into**
27 **the FMLI premium stabilization trust fund established in RSA 282-B:5. The commissioner**
28 **shall notify the state treasurer of sums for deposit into the FMLI premium stabilization**
29 **trust fund no later than 30 days after receipt of said taxes.**

30 91:466 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by
31 inserting after chapter 282-A the following new chapter:

CHAPTER 282-B

PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

32
33
34 282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism
35 whereby individuals who work for employers with more than 50 employees who do not to offer either
36 family and medical leave insurance (FMLI) coverage under the granite state paid family leave plan
37 as authorized under RSA 21-I:96 through RSA 21-I:108 or an FMLI benefit that is at least

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1 equivalent to such coverage will have the opportunity to purchase granite state paid family leave
2 plan coverage through a mechanism established by the state in conjunction with the state
3 government employee FMLI plan.

4 282-B:2 Definitions. In this chapter:

5 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

6 II. "Commissioner" means the commissioner of the department of employment security.

7 III. "Department" means the department of employment security.

8 IV. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as
9 provided in RSA 282-A:9.

10 V. "Employment" means wages paid for services by an employer that is covered by this
11 chapter.

12 VI. "Family and medical leave" means leave from work:

13 (a) Because of the birth of a child of the employee, within the past 12 months;

14 (b) Because of the placement of a child with the employee for adoption or fostering
15 within the past 12 months;

16 (c) Because of a serious health condition of a family member; or

17 (d) Because of any qualifying exigency arising from foreign deployment with the armed
18 forces, or to care for a service member with a serious injury or illness as permitted under the federal
19 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)
20 through (8), as they existed on October 19, 2017, for family members as defined in paragraph VIII.

21 (e) A serious health condition of the employee that isn't related to employment and their
22 employer does not offer Short Term Disability insurance.

23 VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
24 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

25 VIII. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or
26 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster
27 grandparent or step grandparent, or a spouse or domestic partner.

28 IX. "FMLI" means family and medical leave insurance providing wage replacement benefits
29 under specified conditions.

30 X. "Individual Pool" means the pooled purchasing mechanism established in this chapter for
31 the purpose of providing individual employees of employers who do not sponsor qualifying FMLI
32 coverage the option to purchase such coverage on an individual basis.

33 XI. "Serious health condition" means any illness covered by the federal family and medical
34 leave act including treatment for addiction as prescribed by a treating clinician, consistent with
35 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
36 consistent with American Psychiatric Association criteria.

37 282-B:3 Employer and Employee Rights and Responsibilities.

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1 I. Individuals who are employed by private employers with more than 50 employees who do
2 not offer either FMLI coverage under the granite state paid family leave plan under RSA 21-I:96 -
3 RSA 21-I:108 or an FMLI benefit that is at least equivalent to such coverage will have the
4 opportunity to purchase granite state paid family leave plan coverage through the individual pool.
5 The individual pool shall operate by payroll deduction for employees of employers with more than 50
6 employees whereby premiums are paid into an FMLI premium fund administered by the department
7 as provided in this chapter and established in coordination with the commissioner of administrative
8 services under RSA 21-I:96 through RSA 21-I:108.

9 II. Individuals employed by employers with more than 50 employees opting into the
10 individual pool shall be required to make their premium remittances by payroll deduction. All
11 private employers with more than 50 employees who have employees who have individually opted
12 into this pooled purchasing mechanism shall remit FMLI premium payments to the department in a
13 manner as directed by the commissioner.

14 III. Employers with fewer than 50 employees who wish to purchase FMLI coverage through
15 the granite state paid family leave plan shall have the opportunity to purchase such coverage by
16 making premium remittances into an FMLI premium fund administered by the department as
17 provided in this chapter and established in coordination with the commissioner of administrative
18 services acting pursuant to RSA 21-I:96.

19 282-B:4 FMLI Premium Fund Established. There is established the FMLI premium fund for
20 deposits of insurance premium payments paid pursuant to RSA 282-B:3 and for remittance of such
21 premiums to the FMLI carrier or carriers participating in the twin state voluntary leave plan. The
22 department shall develop standard enrollment procedures in coordination with participating carriers
23 and shall transmit enrollment and eligibility information to such carriers on a timely basis. The
24 department shall establish procedures and mechanisms for the billing and collection of premiums
25 from employers. The department shall specify in contracts with participating carriers how all
26 premiums shall be transmitted and the frequency of that transmission and how penalties and grace
27 periods on late payments of premiums shall be calculated. The department may contract with
28 qualified, independent vendors for the services necessary to carry out some or all of the duties under
29 this paragraph.

30 282-B:5 FMLI Premium Stabilization Trust Fund Established.

31 I. There is established the FMLI premium stabilization trust fund which shall be held and
32 accounted for separately from all other funds. Interest, dividends, and other earnings of the fund
33 shall be added to the fund. Deposits into the fund shall be limited exclusively to:

34 (a) Premium taxes imposed on premiums written by duly authorized insurance
35 companies for family and medical leave insurance written in connection with the administration of
36 RSA 21-I:96 through RSA 21-I:108 or RSA 282-B as provided in RSA 400-A:32, III(c); and

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1 (b) Gifts, grants, and donations. The moneys in the fund shall not be subject to any
2 state taxes and shall not be subject to any federal taxes to the extent allowed by applicable federal
3 law.

4 II. The moneys in the fund shall constitute a premium stabilization reserve and shall be
5 used exclusively for the purpose of assuring that the premiums charged to participants in the
6 individual pool remain stable from year to year and do not exceed 5 dollars per subscriber per week.
7 The fund shall be administered by the commissioner, who shall be authorized to make such periodic
8 payments to participating FMLI carriers as are necessary to meet the purposes of this paragraph.
9 The department is authorized to contract with qualified, independent vendors for the services
10 necessary to carry out some or all of the duties under this paragraph.

11 282-B:6 Report and Outreach.

12 I. Working in coordination with the commissioner of administrative services as provided in
13 RSA 21-I:105, I the department shall produce, on an annual basis, a summary report on the granite
14 state paid family leave plan. The report shall be made public and delivered to the governor, the
15 senate president, and the speaker of the house of representatives. It shall include but not be limited
16 to, a description of progress in implementing the provisions of this chapter, payments into and out of
17 the fund, the number of employees in the state participating in the purchasing mechanism, and
18 recommendations for improvement of the program and for further increasing the rate at which New
19 Hampshire employees have FMLI coverage.

20 II. Working in coordination with the department of administrative services as provided in
21 RSA 21-I:105, II, the department shall develop and implement an outreach program to ensure that
22 individuals who may be eligible to receive FMLI benefits under this chapter or under RSA 21-I:96
23 through RSA 21-I:108 are made aware of these benefits. Outreach information shall explain in an
24 easy to understand format, eligibility requirements, benefit structures, and the process for accessing
25 coverage and enrolling.

26 282-B:7 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
27 necessary for the implementation of this chapter.

28 282-B:8 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the
29 general fund to the department of employment security for payment of the administrative and
30 implementation costs associated with this chapter.

31 282-B:9 Implementation. The individual pool shall be operational and available for use by
32 individuals on a timetable that is sufficient to ensure that FMLI coverage shall be available for
33 purchase by January 1, 2023.

34 282-B:10 Application; Employers with Fewer than 50 Employees. No provision of this chapter
35 shall require employers with fewer than 50 employees to offer family medical leave or process payroll
36 deductions on behalf employees choosing to participate in the program as individuals.

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1 91:467 New Section; Family Medical Leave Insurance; Discrimination in the Workplace. Amend
2 RSA 275 by inserting after section 37-c the following new section:

3 275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and
4 sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that
5 employer who takes family or medical leave and accesses wage replacement benefits under such
6 family and medical leave insurance coverage shall be restored to the position she or he held prior to
7 such leave or to an equivalent position by her or his employer consistent with the job restoration
8 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
9 2601 et seq. Such employers shall continue to provide health insurance to employees during the
10 leave. However, employees shall remain responsible for any employee-shared costs associated with
11 the health insurance benefits. Such employers shall not discriminate or retaliate against any
12 employee for accessing family or medical leave wage replacement benefits. Employers of employees
13 participating in the granite state paid family leave plan may require that paid leave taken under
14 this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a
15 collective bargaining agreement or other established employer policy or the Family and Medical
16 Leave Act, as applicable.

17 91:468 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
18 subparagraph (364) the following new subparagraphs:

19 (365) Moneys deposited in the FMLI premium fund established in RSA 282-B:4.

20 (366) Moneys deposited in the FMLI premium stabilization trust fund established in
21 RSA 282-B:5.

22 91:469 New Section; Business Enterprise Tax; Granite State Paid Family Leave Plan Tax
23 Credit. Amend RSA 77-E by inserting after section 3-d the following new section:

24 77-E:3-e Granite State Paid Family Leave Plan Tax Credit. There shall be a tax credit allowed
25 against the tax due under this chapter in an amount equal to 50 percent of the premium paid by a
26 sponsoring employer for family and medical leave insurance coverage offered to employees pursuant
27 to RSA 21-I:100 for the taxable period in which the premium is paid.

28 91:470 Contingent Renumbering. If SB 77-FN of the 2021 general legislative session becomes
29 law, RSA 104:31, XII as inserted by section 2 of SB 77 shall be renumbered as RSA 104:31, XIII.

30 91:471 Effective Date. Unless otherwise specified, the remainder of this act shall take effect
31 July 1, 2021..

Approved: June 25, 2021

Effective Date:

Unless otherwise specified, the remainder of this act shall take effect July 1, 2021.

