

HB 2-FN-A-LOCAL - AS INTRODUCED

2021 SESSION

21-1082

08/10

HOUSE BILL

2-FN-A-LOCAL

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

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

COMMITTEE: Finance

ANALYSIS

1. Reimburses sheriff's offices for expenses that exceed funds appropriated by the legislature.
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. Limits the number of judicial appointments for the biennium.
10. Enables the supreme court to transfer funds.
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. Repeals provisions relative to the senior volunteer grant program.
14. Establishes the emergency services for children, youth, and families fund.
15. Eliminates certain parental reimbursements.
16. 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.

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17. Makes an appropriation to the department of health and human services for streamlining agency operations.

18. 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.

19. Makes an appropriation to the department of health and human services to provide grants to senior centers or other organizations serving senior citizens.

20. Makes an appropriation to the department of health and human services to support expanded and continued admission, discharge, and transfer event notifications.

21. Makes an appropriation to the department of health and human services for a 60-bed forensic psychiatric hospital.

22. Makes an appropriation to the department of military affairs and veterans services in order to provide grants to veterans' organizations for safety upgrades and other capital improvements to their facilities.

23. Transfers the controlled drug prescription health and safety program to the department of health and human services.

24. Suspends revenue sharing with cities and towns for the biennium.

25. Enables the liquor commission to process merchant cards.

26. Enables the department of education to accept gifts, contributions, and bequests for the New Hampshire scholars program.

27. Changes the calculation for pupils eligible for a free or reduced price meals.

28. Makes transfers to the education trust fund.

29. Authorizes expenditures for energy efficient school buses.

30. Establishes the position of director of intergovernmental affairs in the department of business and economic affairs.

31. Repeals the bureau of film and digital media.

32. Suspends the crediting of meals and rooms tax revenue to the division of travel and tourism.

33. Enables the department of corrections to transfer funds.

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

35. Prohibits the dispersing of state aid grants for certain new infrastructure projects in the department of environmental services.

36. Renames the divisions of the office of professional licensure and certification and establishes pharmacy compliance investigator positions within the office.

37. Makes an appropriation to the police standards and training council for crisis intervention team training programs.

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38. Establishes the granite state paid family leave plan.
39. Establishes a purchasing pool for family and medical leave insurance.
40. Makes an appropriation to the New Hampshire Internet crimes against children fund.
41. Makes an appropriation to the FRM victims' contribution recovery fund.
42. Provides for transfer of funds from the revenue stabilization reserve account to the general fund surplus account based the most recent fiscal biennium rather than fiscal year.
43. Reduces the tax rate of, and in 2027 eliminates, the interest and dividends tax.
44. Reduces the tax rate of the meals and rooms tax.
45. Increases the filing threshold for the business enterprise tax and reduces the rate of the tax.
46. Limits the amount of the credit allowed against overpayment of the business profits tax and the business enterprise tax.
47. Allows the New Hampshire veterans' home to transfer funds within accounting units for the biennium ending June 30, 2023.
48. Revises the procedure for compensation for loss of agricultural products or livestock due to bears.
49. Allows bonds issued by the business finance authority to be used for financing a redevelopment district and for manufacturing or industrial projects in the biotechnology sector.
50. Unifies the boards of trustees of the university and community college systems of New Hampshire into one board and establishes a committee to recommend legislation to unify the systems.
51. Authorizes the department of information technology to fill unfunded positions.
52. Modifies the composition and operation of the adult parole board and permits remote meetings during a pandemic or other declared state of emergency.
53. 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.
54. Makes various changes to the apprenticeship programs in trade and industry.
55. 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.
56. Imposes strict liability on any person who renders any highway unsuitable for public travel, including full and current replacement cost.
57. 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.
58. Adds definitions relating to small unmanned aircraft and small unmanned aircraft systems to the New Hampshire aeronautics act.

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59. 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.

60. Appropriates funds to the department of cultural and natural resources for state park and recreational area projects.

61. Restricts the public utilities commission from expending any funding on the implementation of an energy efficiency resource standard or changing the system benefits charge without prior approval of the fiscal committee of the general court.

62. Establishes a body-worn and dashboard camera fund; 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; and makes appropriations for both the fund and the commission.

63. 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.

64. Creates the position of associate medical examiner; authorizes the chief medical examiner to appoint a chief forensic investigator and deputy chief forensic investigators; amends the procedure for county reimbursement of forensic investigations conducted by the chief medical examiner's office; and requires the chief medical examiner to investigate the cause and manner of death prior to cremation.

65. Establishes within the department of justice an unclassified position of director of diversity and community outreach.

66. 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.

67. Amends the governor's scholarship program and the New Hampshire excellence in higher education program to permit funding to be used for direct scholarships to New Hampshire residents, for allocation to the UNIQUE endowment program, and for the workforce development student debt relief fund.

68. Amends the regenerative manufacturing program into the workforce development student debt relief program; makes various changes to the program regarding definitions and eligibility; and establishes a commission to oversee the program.

69. Renames the college tuition savings plan advisory commission as the college tuition savings plan scholarship commission.

70. Transfers the regulation of audiologists and hearing aid dealers to the governing board of speech language pathology.

71. Establishes the department of energy, to govern energy and utilities matters, and have oversight on matters under the public utilities commission.

72. Transfers the office of planning and development to the department of business and economic affairs.

73. 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.

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74. Transfers certain duties from the public utilities commission to the department of energy.

75. Adds the commissioner of the department of energy to the New Hampshire site evaluation committee.

76. Modifies certain contracting authority of the public utilities commission .

77. Requires that the department of energy advocate for New Hampshire in regional activities concerning competitive electricity suppliers.

78. 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.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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

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

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

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

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

22 ***XII. In the event that funds appropriated by the legislature are insufficient to***
23 ***provide full reimbursement of all eligible expenses under this chapter, the amount to be***
24 ***distributed as reimbursement to each sheriff's office or county shall be determined by***
25 ***multiplying the total amount to be distributed by a fraction, the numerator of which shall***
26 ***be the population of the county and the denominator of which shall be the population of***
27 ***the state. The population figures shall be based on the latest resident population figures***
28 ***furnished by the office of strategic initiatives.***

29 2 State Heating System Savings Account. Amend RSA 21-I:19-ff to read as follows:

30 21-I:19-ff State Heating System Savings Account. There is hereby established the state heating
31 system savings account for the transfer of unexpended state heating system appropriations due to

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reduced heating system costs resulting from the 26 state buildings served by the Concord Steam project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year, the commissioner of administrative services shall identify the unexpended appropriations in the accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam facility. The commissioner shall deposit such sums into the account established by this section. Funds in the state heating system savings account shall be nonlapsing and appropriated to the department of administrative services for the biennium ending June 30, ~~2019~~ **2021**, and the fiscal year ending ~~2020~~ **June 30, 2022** and may be used to pay principal and interest on bonds and notes issued to fund the capital project for the heating of state facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in downtown Concord.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 (a) Accounts receivable;
- 2 (b) Accounts payable;
- 3 (c) Collection of fines, penalties, fees, restitution, remittances, and other moneys due to
- 4 the state; and
- 5 (d) Such additional finance, accounting, and other functions and transactions that the
- 6 commissioner of administrative services determines may potentially achieve substantial efficiencies
- 7 from consolidation.

8 II. The commissioner of administrative services may establish the number of total personnel

9 required for human resources, payroll, and business processing functions in the executive branch of

10 state government and, with the prior approval of the governor and council, may eliminate

11 unnecessary positions and may transfer positions to or from the department of administrative

12 services to or from any other agency if the commissioner of administrative services concludes that

13 such transfers or eliminations are necessary to effectuate the efficient consolidation or

14 deconsolidation of human resources, payroll, or business processing functions within state

15 government. Such transfers may, if deemed appropriate by the commissioner of administrative

16 services, include the transfer of all associated books, papers, records, personnel files, and equipment,

17 including, but not limited to, work station and information technology equipment, and may, if

18 deemed appropriate by the commissioner of administrative services, include the transfer of any

19 unexpended appropriations for any of the foregoing, and any unexpended appropriations for salary,

20 payroll, benefits, support costs, or any other costs associated with the transferred personnel. The

21 department of administrative services may also establish new full-time temporary positions within

22 the department, if the commissioner of administrative services deems it necessary to effectuate the

23 efficient consolidation or deconsolidation of human resources, payroll, or business processing

24 functions.

25 III. The commissioner of administrative services may locate personnel whose positions have

26 been transferred in such work spaces as the commissioner determines will efficiently effectuate the

27 consolidation or deconsolidation of functions. Such work spaces may include either space currently

28 owned or rented by the state, or space which may be rented by the commissioner utilizing amounts

29 which may be saved by the state as the result of the consolidation or deconsolidation of functions.

30 IV. If the commissioner of administrative services consolidates, deconsolidates or, pursuant

31 to 2015, 276:2 or other law, has consolidated or deconsolidated, any human resources, payroll, or

32 business processing function and subsequently determines that such consolidation or deconsolidation

33 is not cost effective or beneficial to the interests of the state, the commissioner may, with the prior

34 approval of the fiscal committee of the general court, deconsolidate or reconsolidate, fully or

35 partially, any human resources, payroll, or business processing function within the executive branch

36 of state government. As part of a deconsolidation, the commissioner, after consultation with the

37 heads of such executive branch agencies as may be affected, shall determine positions to be

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1 transferred to another agency, shall determine positions to be transferred elsewhere within the
2 department of administrative services, or shall determine positions to be eliminated.

3 V. Any unspent balance remaining of the \$250,000 appropriation made by 2011, 224:86 to
4 the department of administrative services for the biennium ending June 30, 2013, for the purpose of
5 selecting and retaining an independent business processing consultant to evaluate and make
6 recommendations relative to the consolidation of business processing functions within state
7 government, shall not lapse until June 30, 2023. The department of administrative services may use
8 this balance to fund such projects, functions, or activities as the commissioner of administrative
9 services may direct relating to the efficiency of state government, including, but not limited to, the
10 selection and retention of an independent business processing consultant and/or other projects,
11 functions, or activities relating to the consolidation or deconsolidation of human resource, payroll,
12 and business processing functions.

13 9 New Paragraphs; Department of Administrative Services; State Employee Health Plan;
14 Application. Amend RSA 21-I:30 by inserting after paragraph XVI the following new paragraphs:

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

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

27 10 All Agencies; Electronic Mail. Unless restricted by law or administrative rule, upon request
28 of an intended recipient, an agency may provide documents by electronic mailing in lieu of mail.

29 11 Department of Administrative Services; Funding and Staffing Resource Limitations.

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

36 II. Due to inadequate funding and staffing resources at the department of administrative
37 services, the commissioner of the department of administrative services may suspend the following

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requirements or obligations of the department for each fiscal year of the biennium ending June 30, 2023:

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

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

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

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

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

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

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

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1 III-a. In the case of group II members retired from state employment on or after July 1,
2 1991, and their beneficiaries who are eligible for coverage under this subdivision and also under the
3 provisions of RSA 21-I:26-36, ~~[the amount payable by]~~ the retirement system ***shall pay not less***
4 ***than the amounts provided in paragraph II*** on account of such persons ***and*** shall ~~[be paid]~~ ***pay***
5 ***those amounts*** over to the state. ~~[and]~~ ***Such payments shall be*** used to pay for all or part of the
6 medical benefits provided under RSA 21-I:26-36 for such persons, and the state shall pay its portion
7 as provided in RSA 21-I:26-36. If the cost of the premium for any retired group II member and
8 spouse, surviving spouse, or any other person entitled to benefits under paragraph I shall exceed the
9 maximum under paragraph II, and the state does not elect to pay the excess cost above the amount
10 to be paid under RSA 21-I:26-36, the excess cost shall be paid by the retiree or qualified surviving
11 spouse and may be deducted from retirement benefits as provided in RSA 100-A:51. The state may
12 require, as a condition for coverage, that the retiree or surviving spouse apply for deduction of such
13 excess cost from retirement benefits as provided in RSA 100-A:51.

14 15 Retirement System; Medical Benefits. Amend RSA 100-A:52-b, V-VI to read as follows:

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

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

35 16 Judicial Appointments; Number Limited; Conversion Suspended.

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1 I. For the biennium ending June 30, 2023, the number of judges serving on the superior
2 court shall not exceed 22 and the number of full-time judges serving on the circuit court shall not
3 exceed 35.

4 II. RSA 490-F:7, III, relative to conversion of the position of marital master to a full-time
5 judicial position, is hereby suspended for the biennium ending June 30, 2023.

6 17 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
7 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
8 biennium ending June 30, 2023, the supreme court may transfer funds within and among all
9 accounting units within the judicial branch as the supreme court deems necessary and appropriate
10 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
11 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
12 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA
13 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
14 \$100,000 or more.

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

20 19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the
21 following new section:

22 10:11 Sale of Lakes Region Facility.

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

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

32 20 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
33 ending June 30, 2023, the commissioner of health and human services shall make quarterly reports
34 to the governor, the speaker of the house of representatives, and the senate president on the status
35 of estimated Medicaid payments in relation to actual costs. Further contents of such reports shall be
36 as specified by the governor.

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

22 Repeal. The following are repealed:

I. RSA 161-F:37, relative to the department of health and human services administration of congregate services.

II. RSA 161-F:40, relative to the establishment of the senior volunteer grant program.

III. RSA 161-F:41, relative to rulemaking for the senior volunteer grant program.

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

24 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to read as follows:

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

(1) State fiscal year ~~[2020]~~ **2022**, ~~[\$123,372,750]~~ **\$148,912,885**.

(2) State fiscal year ~~[2021]~~ **2023**, ~~[\$126,923,933]~~ **\$148,912,885**.

25 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as amended by 2019, 346:61, I, to read as follows:

I. Section 5 of this act shall take effect July 1, ~~[2021]~~ **2023**.

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

IV. Section 10 of this act shall take effect ~~[June 30, 2021]~~ **January 1, 2023**.

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

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

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

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

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1 28 New Subparagraph; Emergency Services for Children, Youth and Families Fund. Amend
2 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

5 29 New Section; Department of Health and Human Services; Establishing the Emergency
6 Services for Children, Youth, and Families Fund. Amend RSA 170-G by inserting after section 4-g
7 the following new section:

8 170-G:4-h Establishing the Emergency Services for Children, Youth, and Families Fund. There
9 is hereby established in the state treasury the emergency services for children, youth, and families
10 fund. The funds shall be used by the department to meet the immediate needs of children and
11 families as required to ensure the department is making reasonable efforts to avoid the removal of
12 children and support reunification. The use of these funds shall be limited to instances when there
13 are no other supports or services available to meet the immediate need in a timely manner. The
14 funds may be comprised of public funds, gifts, grants or donations or any other source of funds. The
15 fund shall be non-lapsing and shall be continually appropriated to the department for purposes
16 funding emergency services administered by the department, or its providers, under RSA 169-B,
17 RSA 169-C, RSA 169-D or under this chapter.

18 30 Parental Reimbursement; Child Services. Amend 2020, 26:57, II-III to read as follows:

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

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

22 31 New Hampshire Department of Health and Human Services; Elimination of Parental
23 Reimbursement. The department of health and human services shall be authorized to motion the
24 court to terminate any court orders for parental reimbursement either for on-going repayment or
25 arrears pursuant to implementation of 2020, 26:12 through 2020, 26:29 in existence as of the
26 effective date of any court order rendered pursuant to this act.

27 32 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
28 the biennium ending June 30, 2021, the department of health and human services shall not
29 authorize, without prior consultation with the house health, human services and elderly affairs
30 committee and the senate health and human services committee and the approval of the fiscal
31 committee of the general court and governor and council, any change to program eligibility
32 standards or benefit levels that might be expected to increase or decrease enrollment in the program
33 or increase expenditures from any source of funds; provided, however, that no such prior approval
34 shall be required if a change to a federal program in which the state is participating as of the
35 effective date of this section is required by federal law.

36 33 Department of Health and Human Services; Excess Revenue from Federal Match Programs.
37 During the biennium ending June 30, 2023, any general funds appropriated to the department of

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1 health and human services which are supplanted by an increased draw on federal funds, as a result
2 of a miscalculation of or change in the state's share of a federal match program, shall lapse to the
3 general fund.

4 34 Reproductive Health Facilities. No state funds awarded by the department of health and
5 human services to a reproductive health care facility, as defined in RSA 132:37, I, shall be used to
6 provide abortion services. This section shall not apply to funding available from the state pursuant
7 to Title XIX of the Social Security Act to the minimum extent necessary to comply with federal
8 conditions for the state's participation in the Medicaid program.

9 35 Appropriation; Department of Health and Human Services. There is hereby appropriated to
10 the department of health and human services the sum of \$10,043,000, for the biennium ending June
11 30, 2023, for the purpose of implementing certain recommendations, from a financial review
12 conducted by Alvarez & Marsal, to streamline certain agency operations resulting in greater
13 efficiencies and accountability, and involving certain transformation projects over a 4-year period.
14 Additionally, the department may accept and expend any applicable federal funds, and any gifts,
15 grants, or donations that may be available for the purposes of this section. This appropriation shall
16 not lapse until June 30, 2023. The governor is authorized to draw a warrant for said sum out of any
17 money in the treasury not otherwise appropriated.

18 36 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
19 commissioner of the department of health and human services shall submit a Title XIX Medicaid
20 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
21 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2023.

22 37 Appropriation; Department of Health and Human Services; Services and Supports for Mental
23 Health and Social Isolation. There is hereby appropriated to the department of health and human
24 services the sum of \$1,500,000, for the biennium ending June 30, 2023, for the purpose of providing
25 grants to senior centers or other organizations serving senior citizens for purposes of supporting
26 services to combat struggles with mental health and social isolation, including but not limited to
27 providing grants for safety upgrades and other capital improvements to enhance their facilities.
28 This appropriation shall not lapse until June 30, 2023. The governor is authorized to draw a
29 warrant for said sum out of any money in the treasury not otherwise appropriated.

30 38 Appropriation; Department of Health and Human Services; Expanded and Continued
31 Admission, Discharge and Transfer Event Notifications. There is hereby appropriated to the
32 department of health and human services the sum of \$200,000 for the biennium ending June 30,
33 2023 to support expanded and continued admission, discharge and transfer event notifications
34 capabilities that accelerate notifications of a patient's admission, discharge, and/or transfer to other
35 health providers involved in a patient's care. The governor is authorized to draw a warrant for said
36 sum out of any money in the treasury not otherwise appropriated.

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1 39 Department of Health and Human Services; Authorization and Appropriation for 60-bed
2 forensic psychiatric hospital.

3 I. The department of health and human services shall proceed with the construction of a
4 new 60-bed forensic psychiatric hospital on the grounds of New Hampshire Hospital utilizing funds
5 appropriated in the fiscal year ending June 30, 2021.

6 II. Any federal funds provided to the state of New Hampshire for the purposes of revenue
7 replacement or budget relief shall prioritize the provision of an additional \$17,250,000 to the
8 department of health and human services for the purpose of constructing a new 60-bed forensic
9 psychiatric hospital on the grounds of New Hampshire Hospital.

10 III. If the state of New Hampshire does not receive, by December 31, 2021, a sufficient
11 amount of federal funds to provide an additional \$17,250,000 for the purpose of construction of a new
12 60-bed forensic psychiatric hospital, then the remaining sum necessary to provide an additional
13 \$17,250,000 for construction of a new 60-bed forensic psychiatric hospital shall be appropriated to
14 the department of health and human services. The sum appropriated shall be non-lapsing, provided
15 that any unexpended amount following construction shall lapse to the general fund. To provide
16 funds for the appropriation in this paragraph, the state treasurer is hereby authorized to borrow
17 upon the credit of the state not exceeding the sum of \$17,250,000 and for said purpose may issue
18 bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA
19 6-A.

20 40 Appropriation; Department of Military Affairs and Veterans Services; Support for Veterans
21 Mental Health and Social Isolation. There is hereby appropriated to the department of military
22 affairs and veterans services the sum of \$1,500,000 for the biennium ending June 30, 2023 for the
23 purposes of supporting services to combat struggles with mental health and social isolation,
24 including but not limited to providing grants to veterans organizations for safety upgrades and other
25 capital improvements to enhance their facilities. This appropriation shall not lapse until June 30,
26 2023. The governor is authorized to draw a warrant for said sum out of any money in the treasury
27 not otherwise appropriated.

28 41 New Subdivision; Controlled Drug Prescription Health and Safety Program. Amend RSA
29 126-A by inserting after section 88 the following new subdivision:

Controlled Drug Prescription Health and Safety Program

31 126-A:89 Definitions. In this subdivision:

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

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

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

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

6 II. "Commissioner" means the commissioner of the department of health and human
7 services.

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

9 IV. "Department" means the department of health and human services, established in RSA
10 126-A:4.

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

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

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

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

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

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

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

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

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

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

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

36 XI. "Program" means the controlled drug prescription health and safety program that
37 electronically facilitates the confidential sharing of information relating to the prescribing and

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1 dispensing of controlled substances listed in schedules II-IV, established by the department
2 pursuant to RSA 126-A:90.

3 126-A:90 Controlled Drug Prescription Health and Safety Program Established.

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

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

12 III. Prescription information held by the program relating to any individual shall be deleted
13 3 years after the initial prescription was dispensed. All de-identified data may be kept for statistical
14 and analytical purposes in perpetuity.

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

16 126-A:91 Controlled Drug Prescription Health and Safety Program Operation.

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

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

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

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

26 (c) Practitioners who prescribe and dispense schedule II-IV controlled substances shall
27 register with the program as both a prescriber and a dispenser unless exempted pursuant to RSA
28 126-A:89, VI.

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

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

33 V. Each dispenser shall submit to the program the information regarding each dispensing of
34 a schedule II-IV controlled substance. Any dispenser located outside the boundaries of the state of
35 New Hampshire and who is licensed and registered by the pharmacy board, established in RSA
36 318:2, shall submit information regarding each prescription dispensed to a patient who resides
37 within New Hampshire.

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

- (a) Dispenser's Drug Enforcement Administration (DEA) registration number.
- (b) Prescriber's DEA registration number.
- (c) Date of dispensing.
- (d) Prescription number.
- (e) Number of refills granted.
- (f) National Drug Code (NDC) of drug dispensed.
- (g) Quantity dispensed.
- (h) Number of days supply of drug.
- (i) Patient's name.
- (j) Patient's address.
- (k) Patient's date of birth.
- (l) Patient's telephone number, if available.
- (m) Date prescription was written by prescriber.
- (n) Whether the prescription is new or a refill.
- (o) Source of payment for prescription.

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

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

(c) Dispensers who have a federal Drug Enforcement Administration license, but who do not dispense controlled substances may request a waiver from the requirements of subparagraph (a) from the department in consultation with the pharmacy board.

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

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

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

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

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

III. The department may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

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

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

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

- (1) For the purpose of providing medical or pharmaceutical care to a specific patient;
- (2) For reviewing information regarding prescriptions issued or dispensed by the requester; or
- (3) For the purpose of investigating the death of an individual.

(b) By written request, to:

- (1) A patient who requests his or her own prescription monitoring information.
- (2) The board of dentistry, the board of medicine, the board of nursing, the board of registration in optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy board; provided, however, that the request is pursuant to the boards' official duties and responsibilities and the disclosures to each board relate only to its licensees and only with respect to those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.
- (3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to query program information.

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

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

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

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

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

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

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

22 126-A:94 Unlawful Act and Penalties.

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

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

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

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1 IV. Any person authorized to receive program information who knowingly discloses such
2 information in violation of this subdivision shall be subject to discipline by the appropriate
3 regulatory board and to all other relevant penalties under state and federal law.

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

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

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

12 126-A:95 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, necessary to
13 implement and maintain the program including:

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

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

17 III. The criteria for reviewing the prescribing and dispensing information collected by the
18 program.

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

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

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

24 126-A:96 Advisory Council Established.

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

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

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

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

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

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

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

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

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

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1 (i) A community pharmacist appointed jointly by the New Hampshire Pharmacists
2 Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire
3 Association of Chain Drug Stores.

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

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

7 (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner
8 Association.

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

10 (n) The attorney general, or designee.

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

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

13 (q) Two members of the house of representatives, appointed by the speaker of the house
14 of representatives.

15 II. The council shall:

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

18 (1) Rules.

19 (2) Legislation.

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

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

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

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

27 (2) Changes to statutory requirements.

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

30 (d) Advise the executive director regarding the implementation of this subdivision.

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

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

36 III. The council shall meet at least quarterly to effectuate its goals. A chairperson shall be
37 elected by the members. A majority of the members of the council constitutes a quorum for the

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1 transaction of business. Action by the council shall require the approval of a majority of the
2 members of the council.

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

6 126-A:97 Competency Requirements. Except for veterinarians who shall complete continuing
7 education requirements in accordance with RSA 332-B:7-a, XV, all prescribers required to register
8 with the program who possess a United States Drug Enforcement Administration (DEA) license
9 number shall complete 3 contact hours of free appropriate prescriber's regulatory board-approved
10 online continuing education or pass an online examination, in the area of pain management and
11 addiction disorder or a combination, as a condition for initial licensure and license renewal.
12 Verification of successful completion of the examination or of the required continuing education shall
13 be submitted to the prescriber's regulatory board with the licensee's application for initial licensure
14 or renewal. A list of the prescriber's regulatory boards' approved continuing education courses and
15 online examinations in pain management and addiction disorder, shall be available on the
16 department of health and human service's Internet website.

17 41-a Repeal. OPLC; Controlled Drug Prescription Health and Safety Program. RSA 318-B:31-
18 38, relative to the controlled drug prescription health and safety program, are repealed.

19 41-b Reference Corrected. Veterinary Board. Amend RSA 332-B:3, I (b) to read as follows:

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

22 42 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
23 shall be suspended for the biennium ending June 30, 2023.

24 43 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2023,
25 the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

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1 44 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2023, the
2 department of education may, subject to the approval of the governor and council, accept gifts,
3 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
4 other organizations or institutions for the purpose of funding appropriations for New Hampshire
5 scholars made in accounting unit 06-56-56-562010-7534.

6 45 Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price Meal; Fiscal Year
7 2022. For the fiscal year ending June 30, 2022, the department of education shall divide each pupil
8 in the ADMA who is eligible for a free or reduced price meal by the average daily member in
9 attendance (ADMA), defined in RSA 198:38, for each district and town for school year 2019-2020.
10 The percentage shall be applied to the ADMA for school year 2020-2021 to establish a new
11 calculation of ADMA for who is eligible for a free or reduced price meal. The greater of the ADMA of
12 pupils who are eligible for a free or reduced price meal for school year 2020-2021 and the new
13 calculation based on the previous year's percentage shall be used to calculate the differential aid
14 under RSA 198:40-a, II(b).

15 46 Conditional Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price Meal;
16 Fiscal Year 2023.

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

24 II. Upon making a determination that the alternative differential aid calculation applies
25 pursuant to paragraph I, the department of education shall divide each pupil in the ADMA who is
26 eligible for a free or reduced price meal by the average daily member in attendance (ADMA), defined
27 in RSA 198:38, for each district and town for school year 2019-2020. The percentage shall be applied
28 to the ADMA for school year 2021-2022 to establish a new calculation of ADMA for who is eligible for
29 a free or reduced price meal. The greater of the ADMA of pupils who are eligible for a free or
30 reduced price meal for school year 2021-2022 and the new calculation based on the 2019-2020 school
31 year percentage shall be used to calculate the differential aid under RSA 198:40-a, II(b).

32 47 Education Trust Fund; Tobacco Settlement Funds. Amend RSA 198:39, I(i) to read as
33 follows:

34 (i) Tobacco settlement funds in the amount of \$40,000,000 [~~annually~~] ***or, for***
35 ***any year in which the total tobacco settlement funds received by the state is less than***
36 ***\$40,000,000, the total amount of tobacco settlement funds received by the state.***

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1 48 Transfer; Education Trust Fund. The comptroller shall transfer the following amounts from
2 the education trust fund to the public school infrastructure fund established in RSA 198:15-y:
3 \$15,000,000 on July 1, 2021 and \$15,000,000 on July 1, 2022.

4 49 Public School Infrastructure Fund. Amend RSA 198:15-y to read as follows:
5 198:15-y Public School Infrastructure Fund.

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

10 II. There is hereby established in the office of the state treasurer the public school
11 infrastructure fund which shall be kept distinct and separate from all other funds and which shall be
12 administered by the department of education. After transferring sufficient funds to the revenue
13 stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer
14 shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the
15 official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys
16 shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated.
17 The department of education may retain up to 3 percent of the total annual appropriation of the
18 public school infrastructure fund on or after July 1, 2019, to be used to administer the public school
19 infrastructure program. Any unexpended or unencumbered balance as of June 30, [2021] **2023** shall
20 be transferred to the general fund.

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

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

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

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

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

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

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

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

6 50 Effective Date Changed; Public School Infrastructure. Amend 2017, 156:249, VII, as
7 amended by 2018, 11:1 and 2019, 27:3 to read as follows:

8 VII. Section 72 of this act shall take effect July 1, [2021] **2023.**

9 51 Department of Agriculture, Markets, and Food; Integrated Pest Management Program.
10 Amend RSA 430:50, II to read as follows:

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

18 52 Department of Business and Economic Affairs; New Hampshire Economic Development
19 Fund. Amend RSA 12-O:21 to read as follows:

20 12-O:21 New Hampshire Economic Development Fund.

21 I. There is hereby established the New Hampshire economic development fund which shall
22 be [administered by the] *non-lapsing and continuously appropriated to the* commissioner of the
23 department of business and economic affairs. Said fund shall be for the purpose of providing funds
24 for grants, loans and other economic development initiatives which shall be generally considered to
25 be beneficial to the state's overall economy as provided for in paragraph II.

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

28 (a) Business financing and expansion initiatives.

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

30 (c) International trade.

31 (d) Research and development activities.

32 (e) Other projects or programs recognized as being beneficial to business activity in New
33 Hampshire.

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

37 (a) [New Hampshire Business Development Corporation] *Chambers of commerce.*

(b) ~~[Small Business Investment Corporation]~~ ***Regional economic development or planning organizations.***

(c) Innovation Research Center.

(d) Small Business Development Center.

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

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

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

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

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

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

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

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

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

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

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1 New Hampshire and the collaborative participation of all related state departments, agencies, and
2 authorities.

3 55 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
4 provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of
5 travel and tourism development, are hereby suspended for the biennium ending June 30, 2023.

6 56 Department of Corrections; Transfer Authority. The following classes within the department
7 of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c, classes 10-
8 personal services-perm classified, 11-personal services unclassified, 12-personal services-
9 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
10 department is authorized to transfer funding in these classes within and amongst all accounting
11 units provided that any transfer of \$100,000 or more shall require prior approval of the fiscal
12 committee of the general court and governor and council. The provisions in this paragraph shall
13 remain in effect for the biennium ending June 30, 2023.

14 57 New Section; Department of Corrections; Officials; Status in Retirement System. Amend
15 RSA 21-H by inserting after section 8-a the following new section:

16 21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any
17 person who is or becomes the assistant commissioner, the director or deputy director of professional
18 standards, the director or deputy director of community corrections, the director of security and
19 training, the director or deputy director of field services, or the director or deputy director of medical
20 and psychiatric services, shall be included in the definition of correctional line personnel, as defined
21 in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least
22 10 years prior to appointment in his or her position and shall remain in group II status for the
23 duration of service in that position with the department.

24 58 Equipment Purchases. Amend RSA 622:28-a,V to read as follows:

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

30 59 Department of Environmental Services; Appropriation Extended. Amend 2020, 346:304, I to
31 read as follows:

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

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

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

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

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

- (a) Professional engineers under RSA 310-A:3.
- (b) Architects under RSA 310-A:29.
- (c) Land surveyors under RSA 310-A:55.
- (d) Natural scientists under RSA 310-A:81.
- (e) Foresters under RSA 310-A:100.
- (f) Professional geologists under RSA 310-A:120.
- (g) Landscape architects under RSA 310-A:142.
- (h) Court reporters under RSA 310-A:163.
- (i) Home inspectors under RSA 310-A:186.
- (j) Accountants under RSA 309-B:4.
- (k) Manufactured housing installers under RSA 205-D:2.
- (l) Real estate appraisers under RSA 310-B:4.
- (m) Electricians under RSA 319-C:4.
- (n) Board of manufactured housing under RSA 205-A:25.
- (o) Guardians ad litem under RSA 490-C:1.
- (p) Family mediators under RSA 328-C:4.
- (q) Real estate commission under RSA 331-A:5.
- (r) Septic system evaluators under RSA 310-A:206.

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

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

31 ~~[III.]~~ **II.** Administrative rules adopted pursuant to RSA 541-A governing the licensing

32 boards, commissions, and councils set forth in ~~[paragraphs I and II]~~ **paragraph I** shall remain in

33 effect until amended, expired, or repealed.

34 62 Temporary Licensing Process; Reference Change. Amend RSA 310-A:1-f, I to read as follows:

35 I. Health care professionals shall ~~[be defined as]~~ **include** those individuals licensed by the

36 boards, councils, and commissions within the ~~[division of health professions]~~ **office of professional**

37 **licensure and certification** as set forth in RSA 310-A:1-a, ~~[II, with the exception of those licensed~~

~~pursuant to RSA 314, RSA 314-A, RSA 313, RSA 328-B, and RSA 328-H]~~ ***who perform specified medical or ancillary services within the scope of his or her authority, as determined by the executive director.***

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

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

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

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

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

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

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

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

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

(a) Pharmacy Board Compliance Investigator, 22008.

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(b) Pharmacy Board Compliance Investigator, 14337.

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

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

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

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

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

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

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

68 Crisis Intervention Team Training; Appropriation. The sum of \$210,000 for the biennium ending June 30, 2023, is hereby appropriated to the police standards and training council for the purposes of funding crisis intervention team training programs. This appropriation shall be in addition to any other funds appropriated to the police standards and training council. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

69 New Subdivision; Granite State Paid Family Leave Plan. Amend RSA 21-I by inserting after section 95 the following new subdivision:

Granite State Paid Family Leave Plan

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1 21-I:96 Granite State Paid Family Leave Plan. There is hereby established the granite state
2 paid family leave plan, which shall be implemented under this subdivision and as provided in RSA
3 282-B and RSA 77-E.

4 21-I:97 Purpose and Policy. The purpose of this subdivision is to leverage the purchasing power
5 and economies of scale available to the state when it is acting as purchaser on behalf of state
6 employees and to align this purchasing initiative with a business tax incentive in order to make
7 available to all other public and private employers in the state, on a voluntary basis, advantageously
8 priced family and medical leave insurance (FMLI) wage replacement benefits. By purchasing FMLI
9 coverage for state employees through the medium of commercial insurance, by linking that contract
10 with a contract to make the same coverage available statewide, by acting as premium aggregator for
11 individuals whose employers do not sponsor such coverage, and by introducing a new business tax
12 incentive, the state will position itself to create a market for advantageously priced FMLI benefits.
13 It is the intent of this subdivision to significantly increase the number of employees in the state who
14 receive FMLI wage replacement benefits. The social benefits of increasing the rate of FMLI coverage
15 include attracting and retaining workers, including younger workers, to the state, enabling parents
16 to bond with biological, adopted, or foster children, helping to meet the needs of an aging population,
17 promoting workplace stability, and enhancing worker retention and productivity. While many larger
18 employers provide paid FMLI benefits through self-insurance, this is not feasible for most mid-sized
19 and smaller businesses. The general court therefore finds that it is in the public interest for the
20 state to strategically use its purchasing power and tax expenditure authority to establish a
21 marketplace in the state for advantageously priced FMLI wage replacement benefits.

22 21-I:98 Definitions. In this subdivision:

- 23 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
24 II. "Commissioner" means the commissioner of the department of administrative services.
25 III. "Department" means the department of administrative services.
26 IV. "Family and medical leave" means leave from work:
27 (a) Because of the birth of a child of the employee, within the past 12 months;
28 (b) Because of the placement of a child with the employee for adoption or fostering
29 within the past 12 months;
30 (c) Because of a serious health condition of a family member; or
31 (d) Because of any qualifying exigency arising from foreign deployment with the armed
32 forces, or to care for a service member with a serious injury or illness as permitted under the federal
33 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)-
34 (8), as they existed on October 19, 2017, for family members as defined in paragraph VI.
35 V. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
36 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

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1 VI. "Family member" means a "child" as defined in paragraph I, a biological, adoptive, or
2 foster parent, stepparent, or legal guardian of the child or the child's spouse or domestic partner, a
3 biological, adoptive, or foster grandparent or step grandparent, or a spouse or domestic partner.

4 VII. "FMLI" means family and medical leave insurance providing wage replacement benefits
5 under specified conditions.

6 VIII. "Serious health condition" means any illness of a family member covered by the Family
7 and Medical Leave Act including treatment for addiction as prescribed by a treating clinician,
8 consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental
9 health condition, consistent with American Psychiatric Association criteria.

10 IX. "State rate" means the per employee premium amount that is charged by the successful
11 bidder for the state contract for FMLI coverage for state government employees as provided in this
12 subdivision. The state rate shall be expressed as a percentage of wages.

13 21-I:99 Contracting and Administrative Authority.

14 I. The commissioner may solicit information about, seek proposals for, negotiate, enter into,
15 and administer group insurance contracts with duly authorized accident and life insurance carriers
16 as necessary and appropriate to provide to qualifying state employees, at state expense and at no
17 cost to such employees, an FMLI plan of wage replacement as described in this subdivision. The
18 provision of this coverage shall be considered a matter of legislatively established public policy that
19 is designed to benefit all employers and employees in the state and that is "confined exclusively to
20 the public employer by statute" as provided in RSA 273-A:1, XI and shall not be subject to collective
21 bargaining. Nothing in this subdivision shall be construed to invalidate any portion of a collective
22 bargaining agreement entered into by the state.

23 II. The state shall provide to all permanent state employees wage replacement coverage for
24 qualified leave, which shall be available for the same types of leave as protected under the Family
25 and Medical Leave Act except leave for a health condition of the employee. This shall include leave
26 for:

- 27 (a) The birth of a child and the care of the newborn child within one year of birth;
28 (b) The placement with the employee of a child for adoption or foster care and the care of
29 the newly placed child within one year of placement;
30 (c) Caring for the employee's spouse, child, or parent who has a serious health condition;
31 or
32 (d) Any qualifying exigency arising out of the fact that the employee's spouse, child, or
33 parent is a covered military member on covered active duty, or caring for a covered service-member
34 with a serious injury or illness if the eligible employee is the service-member's spouse, child, parent,
35 or next of kin.

36 III. Subject to any changes authorized under RSA 21-I:103, the wage replacement benefits
37 under this FMLI plan shall be structured as follows:

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1 (a) Eligible employees shall receive 60 percent of their average weekly wage.

2 (b) The maximum duration of wage replacement shall be 6 weeks per year, with no
3 minimum duration required.

4 (c) Wages used to determine the 60 percent FMLI coverage shall be capped at the
5 amount of the Social Security taxable wage maximum as amended from time to time.

6 IV. Except as provided in RSA 21-I:100, III regarding individual pool coverage, the
7 commissioner shall establish, through his or her discretionary authority in administering the
8 request for information and the request for proposals process, the following additional elements of
9 the benefit structure consistent with the purposes and policy of this subdivision:

10 (a) The base period by which the average weekly wage shall be determined.

11 (b) The tenure requirement, expressed in terms of months of work, before an employee is
12 eligible to be covered provided, however, that no tenure requirement shall apply to an employee who
13 has already met the requirement and then changes jobs.

14 (c) A waiting period or elimination period provided, however, that a waiting or
15 elimination period shall not be a required element of the benefit structure, and the commissioner
16 shall have authority to implement a plan with no such requirement.

17 21-I:100 State Employee Coverage Linked to Coverage Offerings for Other Employers and for
18 Individual Employees. The commissioner shall include in the request for proposals for FMLI
19 benefits for state employees a requirement that the winning bidder shall, as a condition of the state
20 contract, also offer the same FMLI coverage to other public employers, private employers, and
21 individual employees on the following terms:

22 I. Private and public non-state employers shall receive a rate that is derived from the state
23 rate through the application of rating factors that are actuarially justified and specified in the bid
24 response.

25 II. Employers who choose to sponsor coverage for their employees shall contract directly
26 with the winning bidder.

27 III. Individuals who work for employers who choose not to offer FMLI coverage under this
28 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI
29 benefit that is at least equivalent to the granite state paid family leave plan shall have the
30 opportunity to contract indirectly with the winning bidder through the purchasing pool for family
31 and medical leave insurance authorized under RSA 282-B and administered by the department of
32 employment security. The pool may be experience rated. Coverage through the pool shall include a
33 7-month waiting period, a one-week elimination period, and a 60-day annual open enrollment period
34 as established by the commissioner in the procurement process. Premiums for individual pool
35 coverage shall not exceed \$5 per subscriber per week.

36 IV. The commissioner shall establish, through his or her discretionary authority in
37 administering the request for information and the request for proposals process, the following

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1 additional elements of the benefit structure and plan administration specifically for employees of
2 sponsoring non-state employers consistent with the purposes and policy of this subdivision:

- 3 (a) The minimum participation requirement.
- 4 (b) The parameters for open enrollment periods.
- 5 (c) Procedures for contributory plans, partially contributory plans, and non-contributory
6 plans.
- 7 (d) Procedures for payroll deduction and premium remittance.

8 21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state
9 employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no
10 cost to their employees or on a contributory or partially contributory basis.

11 21-I:102 Procurement Process. The commissioner may issue a request for information or a
12 request for proposals to secure FMLI coverage for all eligible employees of the state of New
13 Hampshire and to make advantageously priced coverage available to all other private and public
14 employers in the state as provided in this subdivision. The department, the department of
15 employment security, and the department of insurance shall jointly evaluate the proposals received
16 in response to the request for proposals. The department shall contract with an insurance carrier or
17 carriers to provide FMLI coverage. The contract with the winning bidder shall be subject to
18 governor and council approval. The selected insurance carrier shall be licensed by the state of New
19 Hampshire and in good standing. The selected insurance carrier shall be subject to all applicable
20 insurance laws and regulations of the state of New Hampshire, and the rates and forms for the
21 FMLI contracts shall be filed for approval with the insurance commissioner.

22 21-I:103 Commissioner Discretion to Adjust Initial FMLI Benefit Structure. In exercising
23 authority under this subdivision to contract for FMLI coverage for state employees and also for the
24 availability of advantageously priced FMLI coverage for employees of all non-state employers, the
25 commissioner shall have discretionary authority in initiating this program to make changes to the
26 benefit structure of the FMLI plan under RSA 21-I:99, III and may retain a consulting actuary or
27 other benefit advisors in support of this discretionary determination. This discretionary authority
28 shall be exercised in consideration of the stated purposes and policy goals of this subdivision and of
29 the counsels of the FMLI advisory board established in RSA 21-I:104. Any such changes made under
30 this paragraph shall be subject to approval by the governor and council and the legislative fiscal
31 committee prior to implementation and shall be offered by the legislative fiscal committee as an
32 amendment to this subdivision in the next regular session of the general court.

33 21-I:104 Family and Medical Leave Insurance Advisory Board. There is hereby established the
34 family and medical leave insurance advisory board, which shall be administratively attached to the
35 department, and which shall hereinafter be called the FMLI advisory board. The FMLI advisory
36 board shall consist of 9 members to be appointed, with the exception of the legislative members, by
37 the governor. Three of the appointees shall be persons who, because of their vocations, employment,

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1 or affiliations, shall represent employers; 3 shall be persons who, because of the vocations,
2 employment, or affiliations, shall represent employees; one shall be a senator appointed by the
3 senate president; one shall be a representative appointed by the speaker of the house of
4 representatives; the remaining appointee, who shall be appointed as chairman, shall be a person
5 whose training and experience qualify her or him to successfully resolve the problems of FMLI
6 procurement, eligibility, benefit design, and program administration. The advisory board shall meet
7 no later than 45 days after each calendar quarter and aid the commissioner in formulating policies
8 and discussing problems related to the implementation and administration of this subdivision and
9 RSA 282-B and in assuring impartiality and freedom from political influence in the solution of such
10 problems. Advisory board meetings shall provide opportunity for public comment.

11 21-I:105 Report and Outreach.

12 I. Working in coordination with the commissioner of administrative services as provided in
13 RSA 282-B:6, I, the department shall produce, on an annual basis, a summary report on the granite
14 state paid family leave plan. This 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 carrying out the processes contemplated under this subdivision,
17 progress in improving the rate of FMLI coverage of employees in the state, and recommendations for
18 more fully achieving the purposes and policy goals of this subdivision.

19 II. Working in coordination with the department of employment security as provided in RSA
20 282-B:6, II, the department shall develop and implement an outreach program to ensure that
21 employers who might benefit from sponsoring FMLI coverage for their employees and individuals
22 who may be eligible to receive FMLI coverage under this subdivision are made aware of this
23 program. Outreach information shall explain in an easy to understand format, eligibility
24 requirements, benefit structures, and the process for accessing coverage, enrolling individuals, and
25 qualifying for the business tax credit provided for in RSA 77-E:3-d.

26 21-I:106 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
27 necessary for the implementation of this chapter.

28 21-I:107 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the
29 general fund to the department of administrative services for payment of the administrative and
30 implementation costs associated with this chapter.

31 21-I:108 Program Start-up. The request for proposals for FMLI coverage as described in this
32 subdivision shall be issued no later than September 30, 2021. The FMLI coverage shall be in place
33 for state government employees and available for purchase by other public and private employers
34 and individuals by July 1, 2022.

35 70 Insurance; Allocation of State Premium Tax. Amend RSA 400-A:32, III to read as follows:

1 III.(a) Except as provided in [~~subparagraph (b)~~] **subparagraphs (b) and (c)**, the taxes
2 imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to
3 the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-AA shall be deposited into the New Hampshire granite advantage health care trust fund established in RSA 126-AA:3. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire granite advantage health care trust fund no later than 30 days after receipt of said taxes. The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA.

11 (c) Taxes imposed on premiums written by duly authorized insurance
12 companies for family and medical leave insurance written in connection with the
13 administration of RSA 21-I:96 through RSA 21-I:108 or RSA 282-B shall be deposited into
14 the FMLI premium stabilization trust fund established in RSA 282-B:5. The commissioner
15 shall notify the state treasurer of sums for deposit into the FMLI premium stabilization
16 trust fund no later than 30 days after receipt of said taxes.

17 71 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by
18 inserting after chapter 282-A the following new chapter:

19 CHAPTER 282-B
20 PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism
whereby individuals who work for employers who do not to offer either family and medical leave
insurance (FMLI) coverage under the granite state paid family leave plan as authorized under RSA
21-I:96 through RSA 21-I:108 or an FMLI benefit that is at least equivalent to such coverage will
have the opportunity to purchase granite state paid family leave plan coverage through a mechanism
established by the state in conjunction with the state government employee FMLI plan.

27 282-B:2 Definitions. In this chapter:

- I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
- II. "Commissioner" means the commissioner of the department of employment security.
- III. "Department" means the department of employment security.
- IV. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as provided in RSA 282-A:9.
- V. "Employment" means wages paid for services by an employer that is covered by this chapter.
- VI. "Family and medical leave" means leave from work:
- (a) Because of the birth of a child of the employee, within the past 12 months;

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1 (b) Because of the placement of a child with the employee for adoption or fostering
2 within the past 12 months;

3 (c) Because of a serious health condition of a family member; or

4 (d) Because of any qualifying exigency arising from foreign deployment with the armed
5 forces, or to care for a service member with a serious injury or illness as permitted under the federal
6 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)
7 through (8), as they existed on October 19, 2017, for family members as defined in paragraph VIII.

8 (e) A serious health condition of the employee that isn't related to employment and their
9 employer does not offer Short Term Disability insurance.

10 VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
11 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

12 VIII. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or
13 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster
14 grandparent or step grandparent, or a spouse or domestic partner.

15 IX. "FMLI" means family and medical leave insurance providing wage replacement benefits
16 under specified conditions.

17 X. "Individual Pool" means the pooled purchasing mechanism established in this chapter for
18 the purpose of providing individual employees of employers who do not sponsor qualifying FMLI
19 coverage the option to purchase such coverage on an individual basis.

20 XI. "Serious health condition" means any illness covered by the federal family and medical
21 leave act including treatment for addiction as prescribed by a treating clinician, consistent with
22 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
23 consistent with American Psychiatric Association criteria.

24 282-B:3 Employer and Employee Rights and Responsibilities.

25 I. Individuals who are employed by private employers who do not to offer either FMLI
26 coverage under the granite state paid family leave plan under RSA 21-I:96 - RSA 21-I:108 or an
27 FMLI benefit that is at least equivalent to such coverage will have the opportunity to purchase
28 granite state paid family leave plan coverage through the individual pool. The individual pool shall
29 operate by payroll deduction whereby premiums are paid into an FMLI premium fund administered
30 by the department as provided in this chapter and established in coordination with the
31 commissioner of administrative services under RSA 21-I:96 through RSA 21-I:108.

32 II. Individuals opting into the individual pool shall be required to make their premium
33 remittances by payroll deduction. All private employers who have employees who have individually
34 opted into this pooled purchasing mechanism shall remit FMLI premium payments to the
35 department in a manner as directed by the commissioner.

36 III. Employers with fewer than 20 employees who wish to purchase FMLI coverage through
37 the granite state paid family leave plan shall have the opportunity to purchase such coverage by

1 making premium remittances into an FMLI premium fund administered by the department as
2 provided in this chapter and established in coordination with the commissioner of administrative
3 services acting pursuant to RSA 21-I:96.

4 282-B:4 FMLI Premium Fund Established. There is established the FMLI premium fund for
5 deposits of insurance premium payments paid pursuant to RSA 282-B:3 and for remittance of such
6 premiums to the FMLI carrier or carriers participating in the twin state voluntary leave plan. The
7 department shall develop standard enrollment procedures in coordination with participating carriers
8 and shall transmit enrollment and eligibility information to such carriers on a timely basis. The
9 department shall establish procedures and mechanisms for the billing and collection of premiums
10 from employers. The department shall specify in contracts with participating carriers how all
11 premiums shall be transmitted and the frequency of that transmission and how penalties and grace
12 periods on late payments of premiums shall be calculated. The department may contract with
13 qualified, independent vendors for the services necessary to carry out some or all of the duties under
14 this paragraph.

15 282-B:5 FMLI Premium Stabilization Trust Fund Established.

16 I. There is established the FMLI premium stabilization trust fund which shall be held and
17 accounted for separately from all other funds. Interest, dividends, and other earnings of the fund
18 shall be added to the fund. Deposits into the fund shall be limited exclusively to:

19 (a) Premium taxes imposed on premiums written by duly authorized insurance
20 companies for family and medical leave insurance written in connection with the administration of
21 RSA 21-I:96 through RSA 21-I:108 or RSA 282-B as provided in RSA 400-A:32, III(c); and

22 (b) Gifts, grants, and donations. The moneys in the fund shall not be subject to any
23 state taxes and shall not be subject to any federal taxes to the extent allowed by applicable federal
24 law.

25 II. The moneys in the fund shall constitute a premium stabilization reserve and shall be
26 used exclusively for the purpose of assuring that the premiums charged to participants in the
27 individual pool remain stable from year to year and do not exceed 5 dollars per subscriber per week.
28 The fund shall be administered by the commissioner, who shall be authorized to make such periodic
29 payments to participating FMLI carriers as are necessary to meet the purposes of this paragraph.
30 The department is authorized to contract with qualified, independent vendors for the services
31 necessary to carry out some or all of the duties under this paragraph.

32 282-B:6 Report and Outreach.

33 I. Working in coordination with the commissioner of administrative services as provided in
34 RSA 21-I:105, I the department shall produce, on an annual basis, a summary report on the granite
35 state paid family leave plan. The report shall be made public and delivered to the governor, the
36 senate president, and the speaker of the house of representatives. It shall include but not be limited
37 to, a description of progress in implementing the provisions of this chapter, payments into and out of

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1 the fund, the number of employees in the state participating in the purchasing mechanism, and
2 recommendations for improvement of the program and for further increasing the rate at which New
3 Hampshire employees have FMLI coverage.

4 II. Working in coordination with the department of administrative services as provided in
5 RSA 21-I:105, II, the department shall develop and implement an outreach program to ensure that
6 individuals who may be eligible to receive FMLI benefits under this chapter or under RSA 21-I:96
7 through RSA 21-I:108 are made aware of these benefits. Outreach information shall explain in an
8 easy to understand format, eligibility requirements, benefit structures, and the process for accessing
9 coverage and enrolling.

10 282-B:7 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
11 necessary for the implementation of this chapter.

12 282-B:8 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the
13 general fund to the department of employment security for payment of the administrative and
14 implementation costs associated with this chapter.

15 282-B:9 Implementation. The individual pool shall be operational and available for use by
16 individuals on a timetable that is sufficient to ensure that FMLI coverage shall be available for
17 purchase by January 1, 2022.

18 72 New Section; Family Medical Leave Insurance; Discrimination in the Workplace. Amend
19 RSA 275 by inserting after section 37-c the following new section:

20 275:37-d Family and Medical Leave Insurance. If an employer has 20 or more employees and
21 sponsors family and medical leave insurance pursuant to RSA 21-I:96, then any employee of that
22 employer who takes family or medical leave and accesses wage replacement benefits under such
23 family and medical leave insurance coverage shall be restored to the position she or he held prior to
24 such leave or to an equivalent position by her or his employer consistent with the job restoration
25 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
26 2601 et seq. Such employers shall continue to provide health insurance to employees during the
27 leave. However, employees shall remain responsible for any employee-shared costs associated with
28 the health insurance benefits. Such employers shall not discriminate or retaliate against any
29 employee for accessing family or medical leave wage replacement benefits. Employers of employees
30 participating in the granite state paid family leave plan may require that paid leave taken under
31 this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a
32 collective bargaining agreement or other established employer policy or the Family and Medical
33 Leave Act, as applicable.

34 73 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
35 subparagraph (364) the following new subparagraphs:

36 (365) Moneys deposited in the FMLI premium fund established in RSA 282-B:4.

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(366) Moneys deposited in the FMLI premium stabilization trust fund established in RSA 282-B:5.

74 New Section; Business Enterprise Tax; Granite State Paid Family Leave Plan Tax Credit. Amend RSA 77-E by inserting after section 3-d the following new section:

77-E:3-e Granite State Paid Family Leave Plan Tax Credit. There shall be a tax credit allowed against the tax due under this chapter in an amount equal to 50 percent of the premium paid by a sponsoring employer for family and medical leave insurance coverage offered to employees pursuant to RSA 21-I:100 for the taxable period in which the premium is paid.

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

76 Appropriation; FRM Victims' Contribution Recovery Fund. For the purpose of awarding recovery assistance to victims of the FRM fraud, there is hereby appropriated the sum of \$500,000 for the fiscal year ending June 30, 2022, and the sum of \$500,000 for the fiscal year ending June 30, 2023, to the FRM victims' contribution recovery fund established in RSA 359-P:2. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

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

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

77:1 Rate.

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

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

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

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

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

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1 79 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 14-B:8, III(q) to read as
2 follows:

3 (q) New Hampshire taxes, specifying if business profits tax^[5] **or** business enterprise
4 tax~~[, or interest and dividends tax]~~.

5 80 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 15-A:5, I(d)(17) to read
6 as follows:

7 (17) New Hampshire taxes, specifying if business profits tax^[5] **or** business
8 enterprise tax~~[, or interest and dividends tax]~~.

9 81 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:31 to read as
10 follows:

11 21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an
12 extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount
13 of the tax due or \$10, whichever is greater, for each month or part of a month during which the
14 return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of
15 the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any
16 case in which a return is filed within the extended filing period as provided in ~~[RSA 77:18-b,]~~
17 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
18 was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is
19 determined by applying the percentages specified to the net amount of any tax due after crediting
20 any timely payments made through estimating or other means.

21 82 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:33-a, I to read as
22 follows:

23 I. If there is a substantial understatement of tax imposed under ~~[RSA 77,]~~ RSA 77-A,
24 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
25 period, there shall be added to the tax an amount equal to 25 percent of the amount of any
26 underpayment attributable to such understatement.

27 83 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:46, III to read as
28 follows:

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

31 84 References to Interest and Dividends Tax Deleted; 2027. Amend RSA 71-C:4, I and II to
32 read as follows:

33 I. On or before December 15 of every fiscal year the commissioner of the department of
34 revenue administration shall certify in a report to the general court and the governor an analysis of
35 each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed
36 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,
37 RSA 84-A, RSA 84-C, and RSA 400-A.

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

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

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

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

(2) Credit carryovers from overpaid taxes.

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

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

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

(2) Not knowingly award a scholarship to any lineal descendant or equivalent step-person of any proprietor, partner, or member of any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax~~[,]~~ **or** business enterprise tax, ~~[or tax on interest and dividends,]~~ nor any lineal descendant or equivalent step-person of any officer, director, or owner of more than a 5 percent interest in any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax~~[,]~~ **or** business enterprise tax, ~~[or tax on interest and dividends,]~~ nor any employee who is among the highest-paid 20 percent of paid employees in any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax~~[,]~~ **or** business enterprise tax~~[, or tax on interest and dividends]~~.

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

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

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

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

II. RSA 77, relative to taxation of incomes.

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

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

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

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

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

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

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

90 Application; Repeal of RSA 77. Paragraph II of section 88 shall apply to taxable periods beginning after December 31, 2026.

91 Effective Date.

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1 I. Section 78 this act shall take effect January 1, 2022.

2 II. Sections 79-90 of this act shall take effect January 1, 2027.

3 92 Imposition of Tax. Amend RSA 78-A:6 to read as follows:

4 78-A:6 Imposition of Tax.

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

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

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

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

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

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

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

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

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

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

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

18 93 Applicability. RSA 78-A:6, as amended by section 92 of this act, shall be applicable to taxable
19 periods beginning on or after October 1, 2021.

20 94 Effective Date. Sections 92-93 of this act shall take effect upon its passage.

21 95 Business Enterprise Tax; Returns. Amend RSA 77-E:5, I to read as follows:

22 I. Every business enterprise having gross business receipts in excess of [~~\$200,000~~] ***\$250,000***
23 as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is
24 greater than [~~\$100,000~~] ***\$250,000*** shall, on or before the fifteenth day of the third month in the case
25 of enterprises required to file a United States partnership tax return, and the fifteenth day of the
26 fourth month in the case of all other business enterprises, following expiration of its taxable period,
27 make a return to the commissioner. For tax years beginning January 1, 2015, the commissioner
28 shall biennially adjust these threshold amounts rounding to the nearest \$1,000 based on the 2-year
29 (24-month) percentage change in the Consumer Price Index for All Urban Consumers, Northeast
30 Region as published by the Bureau of Labor Statistics, United States Department of Labor using the
31 amount published for the month of June in the year prior to the start of the tax year. All returns
32 shall be signed by the business enterprise or by its authorized representative, subject to the pains
33 and penalties of perjury and the penalties provided in RSA 21-J:39.

34 96 Applicability. RSA 77-E:5, I, as amended by section 95 of this act, shall be applicable to
35 taxable periods ending on or after December 31, 2022.

36 97 Effective Date. Sections 95-96 of this act shall take effect January 1, 2022.

37 98 Business Enterprise Tax; Rate Reduced. Amend RSA 77-E:2 to read as follows:

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1 77-E:2 Imposition of Tax.

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

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

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

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

28 99 Effective Date. Section 98 of this act shall take effect upon its passage.

29 100 Disposition of Revenue. Amend RSA 78-A:26, II to read as follows:

30 II. Each fiscal year, the amount to be distributed shall be equal to the prior year's
31 distribution plus an amount equal to 75 percent of any increase in the income received from the
32 meals and rooms tax for the fiscal year ending on the preceding June 30, not to exceed \$5,000,000,
33 until such time as the total amount distributed annually is equal to the amount indicated in
34 subparagraph I(c). ***If there is no increase in the income received from the meals and rooms***
35 ***tax compared to the fiscal year ending on the preceding June 30, the amount to be***
36 ***distributed shall be equal to the prior year's distribution.***

37 101 Effective Date. Section 100 of this act shall take effect upon its passage.

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

(b) If the return required by RSA 77-A:6, I shows an additional amount to be due, such
additional amount is due and payable on the prescribed payment date. If such return shows an
overpayment of the tax due, the commissioner shall refund or credit the overpayment to the
taxpayer in accordance with RSA 21-J:28-a, ***except that a credit shall only be allowed in an
amount equal to 50 percent of the total tax liability for the taxable period and the
remainder of the overpayment shall be refunded.***

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

II. If the return required by RSA 77-E:5, I shows an amount to be due, such amount is due
and payable on the prescribed payment date. If such return shows an overpayment of the tax due,
the commissioner shall refund ~~[such]~~ ***or credit the*** overpayment to the business enterprise ~~[or shall
allow the enterprise a credit against a subsequent payment or payment due, to the extent of the
overpayment, at the enterprise's option]~~ ***in accordance with RSA 21-J:28-a, except that a credit
shall only be allowed in an amount equal to 50 percent of the total tax liability for the
taxable period and the remainder of the overpayment shall be refunded.***

104 Applicability. Sections 102-103 of this act shall be applicable to taxable periods ending on
or after December 31, 2022.

105 Effective Date. Sections 102-104 of this act shall take effect January 1, 2022.

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

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

108 New Hampshire Veterans' Home; Per Diem Payments. During the biennium ending June 30, 2023, if projected revenues to the New Hampshire veterans' home from member excess income and veterans administration per diem payments exceed the amount estimated, said projected increases may be expended with prior approval of the governor and council. If actual revenue received from members excess income and veterans administration per diem payments are less than the amounts estimated, the total appropriation for the New Hampshire veterans' home shall not be reduced and shall be available for expenditure as budgeted.

109 New Hampshire Veterans' Home; Waiver from RSA 9:17-a Limitations. During the biennium ending June 30, 2023, the New Hampshire veterans' home may be exempt from the limitations set forth in RSA 9:17-a, I, subject to approval by the fiscal committee of the general court of any transfer of appropriations from permanent personal services to any other use or purpose.

110 New Hampshire Veterans Home; Waiver from RSA 9:17-c. The New Hampshire veterans home may be exempt from the limitations set forth in RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of appropriations from employee benefits to any other use or purpose.

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

207:22-a Limitations for Persons Posting Property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114 Business Finance Authority Revenue Bonds. Amend RSA 162-I:9-a, I to read as follows:

162-I:9-a State Guarantee.

I. The governor and council may award an unconditional state guarantee of the principal of and interest on bonds issued under this chapter. Any guarantee awarded pursuant to ~~[this section]~~ ***RSA 162-I:9-a*** shall be solely for the purpose of financing ***manufacturing or industrial projects in the biotechnology sector or for the purpose of financing*** a redevelopment district, and only to the extent the bonds are to be self-supporting for purposes of RSA 6-C:1, II. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding principal amount of bonds guaranteed by the state under this section at any time shall not exceed \$30,000,000 ***for financing a redevelopment district and \$100,000,000 for manufacturing or industrial projects in the biotechnology sector. The state of New Hampshire shall provide no guarantee for any bond issued under this section for financing manufacturing or industrial projects in the biotechnology sector after December 31, 2023.*** For the purpose of determining the amount of bonds guaranteed by the state pursuant to this section, the amount of any issue of bonds sold at a discount shall be equal to the net proceeds thereof, determined by adding to the face amount of the bond issue the premium, if any, related to bonds of that issue and then subtracting the discount related to bonds of that issue. The amount of bonds of any such issue considered outstanding at any time shall be determined by multiplying the face amount of the bonds of that issue then outstanding by a fraction, the numerator of which is the net proceeds of the issue as determined above, and the denominator of which is the face amount of the issue. The governor, with the advice and consent of the council, is authorized to draw ~~[his]~~ ***a*** warrant for such sum as may be necessary out of any money in the treasury, not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest on the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use and operation of the eligible facilities, the reimbursement to the state if any state funds are used to honor the guarantee

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1 and any other matters necessary or desirable to carry out the purposes of this section. Such terms
2 and conditions may be contained in an agreement among the state, the authority and user of the
3 eligible facility to be executed on behalf of the state by the governor and the state treasurer and on
4 behalf of the authority by any 2 persons authorized to execute bonds under RSA 162-I:8.

5 115 Business Finance Authority; Unified Contingent Credit Limit. Amend RSA 162-A:22 to
6 read as follows:

7 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
8 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17, and
9 RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that
10 such amount shall be increased to \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus
11 interest on January 1, 1994, ~~[and]~~ to \$115,000,000 plus interest on May 1, 2015, **and to**
12 ***\$150,000,000 plus interest on May 1, 2021.***

13 116 New Chapter; New Hampshire College and University System Board of Trustees. Amend
14 RSA by inserting after chapter 188-H the following new chapter:

CHAPTER 188-I

NEW HAMPSHIRE COLLEGE AND UNIVERSITY SYSTEM

17 188-I:1 Purpose. Affordable access to public higher education at all levels is essential to the
18 health, welfare, and security of all New Hampshire citizens and the future vitality of the state. To
19 be effective, the state's delivery of public higher education must respond to the changing needs and
20 interests of citizens and employers while ensuring those services remain affordable and accessible.
21 A single, well-coordinated system of public higher education at all levels, pursuing the unique and
22 diverse missions of its member institutions, offering seamless access to and between all levels of
23 higher education, adapting to the rapidly evolving challenges facing all of higher education, and
24 governed by a unified board of trustees, will be the most efficient and effective means for meeting the
25 needs of the citizens and the state.

26 188-I:2 The New Hampshire College and University System. The New Hampshire college and
27 university system is established and made a body politic and corporate, the main purpose of which
28 shall be to provide a well-coordinated comprehensive system of public higher education.

29 188-I:3 Governance. The New Hampshire college and university system shall be governed by a
30 single board of trustees which shall be responsible for ensuring that its components, each having a
31 unique character and educational mission, operate as a well-coordinated comprehensive system of
32 public higher education.

33 188-I:4 Board of Trustees. The governance of the New Hampshire college and university system
34 shall be vested in a single board of trustees composed as follows:

35 I. Fifteen members appointed by the governor with the advice and consent of the council. At
36 any time, 5 members shall be by nomination of the 4-year institutions, 5 shall be by nomination of
37 the 2-year institutions, and 5 shall be selected by the governor without nomination. At least 90 days

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1 prior to the expiration of the term of a member in either of the first 2 categories, or as soon as
2 practical following a vacancy in either category, the board of trustees shall submit to the governor
3 the names of 2 or more candidates for the position, nominated by either the 4-year or 2-year
4 institutions as needed to maintain the composition of the board. If none of the candidates submitted
5 are acceptable, the governor may request the name of additional candidates from the board. After
6 the initial appointments to the 15 seats established by this paragraph are made, the board shall
7 establish the processes by which the institutions nominate candidates for future appointments.

8 II. The provisions of paragraph I notwithstanding, the governor may make initial
9 appointments, without nominations but with advice and consent of the council, to seats represented
10 by the 4-year institutions and 2-year institutions if no nominations are received by these institutions
11 within 30 days of the governor's written request for nominations.

12 III. Eight ex-officio members: The governor; the senate president or designee from senate
13 membership; the speaker of the house of representatives or designee from house membership, the
14 commissioner of education; the commissioner of agriculture; the commissioner of business and
15 economic affairs; the commissioner of employment security; and the chancellor of the New
16 Hampshire college and university system, all of whom shall be voting members.

17 IV.(a) The terms of office for appointed members shall be 4 years and shall end on June 30.

18 (b) The governor, with the advice and consent of the council may appoint any person for
19 a period less than the full term or up to one year greater than the full term in order to adjust the
20 terms of each member so that terms of office of no more than 3 appointed members per year will
21 expire.

22 (c) Each member, except for ex-officio members, shall hold office until a successor is
23 appointed and qualified. Vacancies shall be filled for the unexpired term only. The appointment of
24 successors for the filling of vacancies for unexpired terms shall be by the same manner as the
25 original appointment.

26 (d) Appointed members may serve for no more than two four-year terms in succession.

27 188-I:5 Operation of the Board of Trustees.

28 I. The board shall elect its own chairperson and vice-chairperson upon its initial formation
29 and annually thereafter.

30 II. Eleven voting members shall constitute a quorum for the transaction of business, but not
31 less than 11 affirmative votes shall be required to elect the chancellor of the New Hampshire college
32 and university system.

33 III. The board shall meet at such times and places as it may determine. The chairperson
34 shall call special meetings upon the written request of any 5 board members or upon the
35 chairperson's own motion.

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1 IV. Members shall receive no compensation for their services but shall be reimbursed for
2 expenses reasonably incurred by them in the performance of their duties. Legislative members shall
3 receive mileage at the legislative rate for attending to the duties of the board.

4 188-I:6 Authority of the Board of Trustees. The trustees are authorized to govern, manage, and
5 control all the property and affairs of the New Hampshire college and university system. In addition
6 to this authority, the trustees are authorized to elect and fix the compensation of a chancellor of the
7 New Hampshire college and university system who shall serve as the system's chief executive officer,
8 primary liaison with the general court and other elements of state government, and chief
9 spokesperson. The chancellor shall be qualified by education and experience and shall serve at the
10 pleasure of the board. Notwithstanding any other provision of law, all statutory or other legal
11 references to either the chancellor of the university system of New Hampshire or the chancellor of
12 the community college system of New Hampshire shall be construed as referring to the chancellor of
13 the New Hampshire college and university system.

14 117 Governance of the University System of New Hampshire; Transferring Authority of the
15 Board of Trustees of the University System of New Hampshire. RSA 187-A:13 is repealed and
16 reenacted to read as follows:

17 187-A:13 Governance of University System. The governance of the university system and its
18 constituent divisions and institutions shall be vested in the board of trustees of the New Hampshire
19 college and university system, established in RSA 188-I:2. As used in this chapter, the terms
20 "board," "board of trustees," and "trustees" shall mean the board of trustees established in RSA 188-
21 I:4.

22 118 Governance of the Community College System of New Hampshire; Transferring Authority
23 of the Board of Trustees of the Community College System of New Hampshire. RSA 188-F:4 and
24 188-F:5 are repealed and reenacted to read as follows:

25 188-F:4 Governance of Community College System of New Hampshire. The governance of the
26 community college system of New Hampshire shall be vested in the board of trustees of the New
27 Hampshire college and university system, established in RSA 188-I:2. As used in this chapter, the
28 terms "board," "board of trustees," and "trustees" shall mean the board of trustees established in
29 RSA 188-I:4.

30 188-F:5 Unification of the Community College and University Systems. The board of trustees of
31 the New Hampshire college and university system shall:

32 I. Govern the community college system pursuant to the terms of RSA 188-F, and the
33 university system pursuant to the terms of RSA 187-A.

34 II. Elect a chancellor of the New Hampshire college and university system who shall be the
35 chancellor of the community college system and the university system.

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1 III. On or before January 1, 2022, recommend legislation that would unify the community
2 college system and the university system into the New Hampshire college and university system,
3 effective no later than July 1, 2023.

4 IV. Take such action, consistent with the terms of RSA 187-A and 188-F, as may be
5 necessary or desirable to effect the orderly and efficient operation of the community college system
6 and the university system in anticipation of the unification of the 2 systems no later than July 1,
7 2023.

8 V. In addition to the reports required by RSA 187-A and 188-F, by November 1 of each year,
9 the board of trustees shall file with the governor and council a report of the operations of the New
10 Hampshire college and university system. They shall include in the report an account of work done
11 in anticipation of the unification of the 2 systems. One copy thereof shall be transmitted to the fiscal
12 committee of the general court, one copy to the house education committee, and one copy to the
13 senate education committee.

14 119 Repeal. The following are hereby repealed:

15 I. RSA 187-A:14, relative to the terms of trustees of the university system of New
16 Hampshire.

17 II. RSA 187-A:15, relative to the operation of board of trustees of the university system of
18 New Hampshire.

19 III. RSA 188-F:5, relative to the operation of board of trustees of the community college
20 system of New Hampshire.

21 120 Effective Date. Sections 116-119 of this act shall take effect 60 days after the passage of
22 this act.

23 121 Department of Information Technology; Unfunded Positions. Notwithstanding any other
24 provision of law to the contrary, the department of information technology may fill unfunded
25 positions during the biennium ending June 30, 2023, provided that the total expenditure for such
26 positions shall not exceed the amount appropriated for personnel services.

27 122 Adult Parole Board; Establishment. Amend RSA 651-A:3 to read as follows:

28 651-A:3 Adult Parole Board; Establishment; Procedures.

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

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

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

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

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

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

7 (3) *One at-large member who is an attorney with an active New Hampshire*
8 *license;*

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

10 **III.** The governor shall designate one member as chairman [~~and the chairman shall~~
11 ~~designate one other member to serve as chairman in his absence~~]. *The salary of the chairman*
12 *shall be that established in RSA 94:1-a as grade GG, with appropriate step to be*
13 *determined in accordance the provisions of RSA 21-I:42. The chairman shall designate one*
14 *other member to serve as temporary designee chairman in his or her absence, however, the*
15 *designated chairman shall not receive the chairman's salary or employee status while*
16 *serving in the chairman's absence.* In the case of a revocation hearing an attorney of the board
17 shall be present at the hearing. Board members shall be paid [~~\$100 a day plus mileage at the state~~
18 ~~employee rate while engaged in parole hearings or administrative meetings.~~] *an annual stipend of*
19 *\$30,000 for each member, to be paid in equal installments on each state employee pay*
20 *period date, with no reimbursement for mileage or other expenses for any reason.*

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

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

30 123 Applicability. On the effective date of section 122 of this act, the current chairman of the
31 adult parole board shall remain chairman and designate 4 current members who fit the criteria
32 outlined in RSA 651-A:3, II(b)(1)-(4) as inserted by section 122 of this act, to remain members of the
33 parole board according to their current terms. In the event that there are not 4 members on the
34 existing board who meet the criteria outlined in RSA 651-A:3, II(b)(1)-(4), the chairman may
35 designate an existing member to temporarily occupy any open member vacancy until a new
36 appointment for the vacancy is nominated by the governor and confirmed by the executive council.

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Any current members who remain on the board, including the current chairman, shall serve until the expiration of their current terms or until a successor is appointed and qualified.

124 Adult Parole Board; Director of Operations. Amend RSA 651-A:5 to read as follows:

651-A:5 ~~[Executive Assistant]~~ **Director of Operations**. The board may appoint ~~[an executive assistant]~~ **a director of operations** who shall be an unclassified employee and shall serve at its pleasure. The salary of the ~~[executive assistant]~~ **director of operations** shall be that established in RSA 94:1-a **as grade CC, with the appropriate step to be determined in accordance the provisions of RSA 21-I:42.**

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

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw a warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the ~~[fiscal year ending in the]~~ preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed the amount appropriated for the fund, which shall include the budget of the workers' compensation division of the department of labor for the fiscal year in which the assessment is made and all other costs of administering this chapter. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

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

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

127 Workers' Compensation; Appeals Board. Amend RSA 281-A:42-a, III to read as follows:

III. Attorney members of the board shall receive \$400 per diem and all other members of the board shall each receive \$250 per diem for each day devoted to ~~[the work]~~ hearings of the board and

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1 shall be reimbursed for necessary travel expenses. Such per diems shall be prorated to an hourly
2 rate for other related work performed by board members.

3 128 Workers' Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as
4 follows:

5 I.(a) In a controversy as to the responsibility of an employer or the employer's insurance
6 carrier for the payment of compensation and other benefits under this chapter, any party at interest
7 may petition the commissioner in writing for a hearing and award. The petition shall be sent to the
8 commissioner at the department's offices in Concord and shall set forth the reasons for requesting
9 the hearing and the questions in dispute which the applicant expects to be resolved. The
10 commissioner or the commissioner's authorized representative shall schedule a hearing, either in
11 Concord or at a location nearest the employee as determined by the commissioner, by fixing its time
12 and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing
13 date shall be set for a time not to exceed 6 weeks from the date the petition was received. In those
14 instances where an expedited hearing is requested, the petition for hearing shall set forth the facts
15 in sufficient detail to support the request for an expedited hearing. The commissioner, or his or her
16 authorized agent shall, in his or her discretion, determine whether the need exists for an expedited
17 hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner
18 to determine whether such requests are given proper attention. The commissioner shall also identify
19 any overutilization by the requesting parties and responses given to such requests by the
20 commissioner. An annual report of the expedited requests, responses, the number of continuances,
21 the reasons for such continuances, the number of requests for hearing, and the time within which
22 the hearings were held shall be made annually to the advisory council established in RSA 281-A:62.
23 The notice may be given in hand ~~[or by certified mail, return receipt requested]~~, ***via first class***
24 ***mail, or, upon consent of the parties, by electronic transmission.*** Continuances of any hearing
25 are discouraged; however, should a continuance be necessary, the parties requesting such
26 continuance shall file with the department a written petition for such continuance at least 7 days
27 prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter,
28 a continuance may only be granted upon the commissioner's finding that a compelling need exists so
29 as to require a continuance. At such hearing, it shall be incumbent upon all parties to present all
30 available evidence and the person conducting the hearing shall give full consideration to all evidence
31 presented. In addition, the person conducting the hearing shall freely and comprehensively examine
32 all witnesses to determine the merits of the matter. Also, the person conducting the hearing may
33 recess the hearing to a date certain and direct the parties, or either of them, to provide such further
34 information that may be necessary to decide the matter. No later than 30 days after the hearing, the
35 commissioner or the commissioner's authorized representative shall render a decision and shall
36 forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized
37 representative, may render a decision at the hearing. Unless excused for good cause shown, failure

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1 of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance
2 shall bar such parties from any further action concerning an adverse decision, a decision by default,
3 or a dismissal of a petition for hearing and award.

4 129 Apprenticeship Programs in Trade and Industry. Amend RSA 278:1-278:10 to read as
5 follows:

6 278:1 Purposes. The purposes of this chapter are:

7 I. To encourage employers, associations of employers and organizations of employees to
8 voluntarily establish apprenticeship programs and the making of apprenticeship agreements;

9 II. To create opportunities for young people to obtain employment and adequate training in
10 trades and industry with parallel instructions in related and supplementary education under
11 conditions that will equip them for profitable employment and citizenship;

12 III. To cooperate with the promotion and development of apprenticeship programs and
13 systems in other states and with the federal committee on apprenticeship appointed under Public
14 Law No. 308-75th U.S. Congress (Fitzgerald Act);

15 IV. To ~~recommend to the Office of Apprenticeship, United States Department of Labor~~
16 ~~(OA)]~~ **encourage** the registration and approval of apprenticeship programs and apprenticeship
17 agreements ~~[and the issuance of state certificates of completion of apprenticeship]~~.

18 278:2 Apprenticeship Council. There is hereby created a state apprenticeship advisory council
19 (the council), composed of: the labor commissioner or designee, the commissioner of the department
20 of employment security or designee, the commissioner of the department of education or designee, a
21 member representing the community college system of New Hampshire appointed by the chancellor
22 of the community college system, and 2 members who shall be employers and 2 members who shall
23 be employees or persons who represent said employees. The commissioner of labor, or designee,
24 shall act as chairman. The 2 members who are employers and the 2 members who are employees or
25 who represent said employees shall be appointed by the governor with the advice and consent of the
26 council. The initial appointment of these 4 members shall be as follows: one member for a term of
27 one year, one member for a term of 2 years, one member for a term of 3 years, and one member for a
28 term of 4 years. Upon the expiration of each of their terms and each year thereafter, one new
29 member shall be appointed for a term of 4 years. The members of the council shall receive no
30 compensation for their services.

31 278:3 Duties. The council shall meet ~~[quarterly and]~~ as often as may be necessary, and in
32 cooperation with the OA and state departments of education and labor, ~~[establish, maintain, and~~
33 ~~review and recommend approval of]~~ **encourage** consistent standards for on-the-job training
34 programs to be coordinated with related course instruction and included in apprenticeship programs
35 and agreements established in trade or industry by employee organizations, joint employee-employer
36 committees, employers or employer groups; and may request the services of any state or federal

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1 agency or department which may be of assistance in carrying out the purposes of this chapter. In
2 addition to the foregoing, the council shall:

3 I. Encourage and promote the development of apprenticeship programs and the making of
4 apprenticeship agreements;

5 II. Assist the OA in bringing about the settlement of differences arising out of an
6 apprenticeship agreement when such differences cannot be adjusted locally or in accordance with
7 established trade procedure;

8 ~~III. [Supervise the execution of agreements and maintenance of standards;~~

9 ~~IV.]~~ Recommend to the OA the registration of apprenticeship programs and agreements
10 which provide equal opportunity for training and employment without regard to race, color, creed or
11 national origin and which incorporate standards consistent with those already established and
12 approved by the council and the OA, or terminate or cancel the registration of apprenticeship
13 programs and agreements when said programs or agreements fail to meet or maintain said
14 registration qualifications;

15 ~~[V. Issue certificates of completion of apprenticeship as shall be authorized by the council;~~

16 ~~VI. Keep a record of apprenticeship programs and apprentice agreements and their~~
17 ~~disposition;~~

18 ~~VII.]~~ **IV.** Cooperate with the state department of education and the local school authorities
19 in the organization and establishment of classes of related and supplemental instruction for
20 apprentices employed under approved agreements;

21 ~~[VIII.]~~ **V.** Render such assistance and submit such information and data as may be
22 requested by employers, employees and joint apprenticeship committees engaged in the formulation
23 and operation of programs of apprenticeship, particularly in regard to work schedules, wages,
24 conditions of employment, apprenticeship records and number of apprentices; and

25 ~~[IX.]~~ **VI.** Review and assist the OA in the adoption of rules and regulations to insure
26 nondiscrimination in all phases of apprenticeship and employment during apprenticeship.

27 278:3-a Personnel. For the purpose of carrying out administrative duties the council may employ
28 assistants and clerical personnel as are necessary, who work under the general supervision of the
29 labor commissioner.

30 278:4 Transfer to Department of Labor. The apprenticeship advisory council as provided in RSA
31 278:2 shall function within the department of labor as a separate organizational entity, as heretofore
32 constituted, and with all the powers and duties as heretofore provided.

33 278:5 Biennial Report. The council ~~[shall]~~ **may** biennially make a report of its activities and
34 progress to the governor and council and the report ~~[shall]~~ **may** also be contained in the biennial
35 report of the department of labor.

36 278:6 Related and Supplemental Instruction. Related and supplemental instruction for
37 apprentices, coordination of instruction with work experiences, and the selection of teachers and

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1 coordinators for such instruction shall be the responsibility of state and local boards of education.
2 The state department of education shall be responsible and make provision subject to the
3 department's decision on the allotment of its funds for related and supplementary instruction for
4 apprentices as may be employed under apprenticeship programs registered and approved by the OA
5 ~~[and the council]~~.

6 278:7 Local, Regional and State Joint Apprenticeship Committees. Local and state joint
7 apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the
8 state or trade areas, by the OA ~~[and the council]~~, whenever the apprentice training needs of such
9 trade or group of trades or such regions justify such establishment. Such local, regional or state joint
10 apprenticeship committees shall be composed of an equal number of employer and employee
11 representatives selected by the respective local or state employer and employee organizations in such
12 trade or group of trades; also such advisory members representing local boards or other agencies as
13 may be deemed advisable. In a trade or group of trades in which there is no bona fide employer or
14 employee organization, a joint committee may be composed of persons known to represent the
15 interests of employers and of employees respectively, or a state joint apprenticeship committee may
16 be approved as, or the council may act itself as, the joint committee in such trade or group of trades.
17 Subject to the review of the OA ~~[and the council]~~, and in accordance with the standards established
18 by the Office of Apprenticeship ~~[and the council]~~, such committees may devise standards for
19 apprenticeship agreements and give such aid as may be necessary in their operation, in their
20 respective trades and localities.

21 ~~[278:8 Minimum Standards for Apprenticeship Agreements. All apprenticeship agreements~~
22 ~~submitted for approval and registration shall meet the following minimum standards:~~

23 I. ~~A statement of the trade or craft to be taught and the required hours for completion of the~~
24 ~~apprenticeship shall be established by agreement under RSA 278:3 and 278:7, but in no case shall it~~
25 ~~be less than 2000 hours.~~

26 II. ~~A statement of the processes in the trade or craft divisions in which the apprentice is to~~
27 ~~be taught and the approximate amount of time to be spent at each process;~~

28 III. ~~A statement of the number of hours to be spent by the apprentice in work and the~~
29 ~~number of hours to be spent in related and supplemental instruction which instruction shall be not~~
30 ~~less than 144 hours per year;~~

31 IV. ~~A statement that apprentices shall be not less than 16 years of age;~~

32 V. ~~Provision for a period of probation, not exceeding 6 months or 1,000 hours, during which~~
33 ~~period, the council shall terminate or cancel the registration of an apprenticeship agreement at the~~
34 ~~request in writing of any party thereto. After the probationary period, the apprenticeship advisory~~
35 ~~council shall terminate or cancel the registration of an apprenticeship agreement upon request in~~
36 ~~writing of both parties or upon just cause shown;~~

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1 ~~VI. Provision for "an increasing schedule of wages" which shall average, over the required~~
2 ~~hours or years for completion, not less than approximately 1/2 of the journeyman's rate;~~

3 ~~VII. Provision that the services of the apprenticeship advisory council may be utilized for~~
4 ~~consultation regarding the settlement of differences arising out of the apprenticeship agreement~~
5 ~~where such differences cannot be adjusted locally or in accordance with the established trade~~
6 ~~procedure;~~

7 ~~VIII. Provision that if an employer is unable to fulfill his or her obligations under the~~
8 ~~apprenticeship agreement he or she may arrange for the transfer of the agreement to another~~
9 ~~employer after consent by the apprentice and approval by the OA and the council and the new~~
10 ~~employer;~~

11 ~~IX. A statement as to the ratio of apprentices to journeymen or number of apprentices to be~~
12 ~~employed during any year under the program. Where the apprenticeship standards provide for a~~
13 ~~workforce ratio of one apprentice for one journeyman for the first 5 apprentices and 3 additional~~
14 ~~journeymen for each additional apprentice thereafter, no standard shall have the effect of requiring~~
15 ~~the employment of any greater number of journeymen per apprentice;~~

16 ~~X. Provision for the granting of credit to apprentices for previous work experience or related~~
17 ~~and supplemental training; and~~

18 ~~XI. Provision for supervision and the keeping of records.~~

19 ~~278:9 Apprenticeship Agreements Defined. For the purposes of this chapter an~~
20 ~~apprenticeship agreement is an individual written agreement between an employer and an~~
21 ~~apprentice, or a written agreement between an apprentice and an association of employers, or an~~
22 ~~organization of employees, or where an approved joint committee exists, a written agreement~~
23 ~~between an apprentice and such committee.~~

24 ~~278:10]~~ **278:8** Applicability of Chapter. The provisions of this chapter shall apply to a person,
25 firm, corporation or organization of employees or an association of employers only after such person,
26 firm, corporation or organization of employees or association of employers has voluntarily elected to
27 conform with its provisions.

28 130 Unemployment Compensation; Contributions; Minimum Rate. Amend RSA 282-A:82, II-III
29 to read as follows:

30 II. There shall be subtracted in any calendar quarter from every employer's contribution
31 rate one percent whenever the unemployment compensation fund equals or exceeds [~~\$275,000,000~~]
32 **\$350,000,000** throughout the next preceding calendar quarter.

33 III. There shall be subtracted in any calendar quarter from every employer's contribution
34 rate 1.5 percent whenever the unemployment compensation fund equals or exceeds [~~\$300,000,000~~]
35 **\$400,000,000** throughout the next preceding calendar quarter.

36 131 Unemployment Compensation; Contributions; Inverse Minimum Rate. Amend RSA 282-
37 A:82-a, II-III to read as follows:

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1 II. There shall be added in any calendar quarter to every such employer's contribution rate
2 one percent whenever the unemployment compensation fund fails to equal or exceed [~~\$275,000,000~~]
3 **\$350,000,000** throughout the next preceding calendar quarter.

4 III. There shall be added in any calendar quarter to every such employer's contribution rate
5 .5 percent whenever the unemployment compensation fund fails to equal or exceed [~~\$300,000,000~~]
6 **\$400,000,000** throughout the next preceding calendar quarter.

7 132 Repeal. The following are repealed:

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

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

12 133 Liability for Obstruction or Injury to Highway; Civil Liability. Amend RSA 236:39 to read
13 as follows:

14 236:39 Civil Liability.

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

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

28 ***III. This section shall apply retrospectively and prospectively to all persons liable***
29 ***under this section.***

30 134 Repeal. 1959; 286, relative to the Sandwich Notch and Dale Road in the towns of Sandwich
31 and Thornton, is repealed.

32 135 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate.
33 Amend the section heading for RSA 4:39-c to read as follows:

34 4:39-c Disposal of Highway, ***Federal***, or Turnpike Funded Real Estate.

35 136 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate.
36 Amend RSA 4:39-c, III to read as follows:

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

8 137 New Paragraphs; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
9 inserting after paragraph XXVII the following new paragraphs:

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

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

14 138 New Paragraph; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
15 inserting after paragraph XXIX the following new paragraph:

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

17 139 New Hampshire Aeronautics Act; Duties of the Commissioner. Amend RSA 422:4, VI to
18 read as follows:

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

26 140 Department of Transportation; Appropriation Amended. Amend 2018;162:25, I to read as
27 follows:

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

33 141 Effective Date. Section 140 of this act shall take effect on June 30, 2021.

34 142 Department of Natural and Cultural Resources; Parks Projects; Appropriations. There is
35 hereby appropriated to the department of natural and cultural resources, for the biennium ending
36 June 30, 2023, the following sums which shall be nonlapsing and expended for the following

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1 purposes. The governor is authorized to draw a warrant for said sums out of any money in the
2 treasury not otherwise appropriated.

3 I. The sum of \$615,000 for the purpose of redevelopment and improvement projects at the
4 Fort Stark historic site, including security and safety improvements such as grate repair and
5 fencing, entrance and parking lot improvements, 2 family bathrooms in a new building adjacent to
6 the OMS building, extension of municipal water service to the toilet building, a new septic system for
7 the toilet building, demolition of the harbor entrance control post building, and the cleaning and
8 securing of bunker tunnels, rooms, and entryways.

9 II. The sum of \$655,000 for the purpose of redevelopment and improvement projects at the
10 Jericho Mountain beach area campground, including RV dump station, 2 new pit toilets, 10 new
11 campsites, 4 new camping cabins, the extension of water utilities to the beach area campground, the
12 extension of electrical utilities to the beach area campground, the winterization of 4 camping cabins,
13 and 4 new trailer sites with water and electricity.

14 III. The sum of \$347,000 for the purpose of electrical upgrade projects at the Hampton RV
15 park, including a service upgrade from 400 amps to 1200 amps, new pedestals at 29 sites, new
16 electrical conductors, excavation for utilities, and the installation of cable and internet conduits.

17 IV. The sum of \$150,000 for the purpose of constructing new playgrounds at Wellington,
18 Kingston and White Lake state parks.

19 V. The sum of \$250,000 for design, engineering and preliminary site work for facility
20 upgrades at the Ragged Neck picnic area at Rye Harbor state park.

21 143 Public Utilities Commission; Implementation of Energy Efficiency Resource Standard. For
22 the biennium ending June 30, 2021, the public utilities commission shall not expend any funding on
23 the implementation of an energy efficiency resource standard or change the system benefits charge
24 without prior approval of the fiscal committee of the general court, except as consistent with or
25 authorized by Order No. 25,932 issued by the public utilities commission, dated August 2, 2016.

26 144 Department of Safety; Fund Transfer; Authorization. Notwithstanding the provisions of
27 RSA 9:16-a, for the biennium ending June 30, 2021, the department of safety may transfer funds
28 between accounting units in classes 027-transfers to the department of information technology, 028-
29 transfers to general services, 064-retiree pension benefit health insurance compensation, and 211-
30 property and casualty insurance, upon approval of the department of administrative services' budget
31 office.

32 145 New Sections; Body-Worn Cameras. Amend RSA 105-D by inserting after section 2 the
33 following new sections:

34 105-D:3 Body-Worn and Dashboard Camera Fund.

35 I. There is hereby established the body-worn and dashboard camera fund within the
36 department of safety for the purpose of encouraging local law enforcement agencies to equip officers

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1 with body-worn cameras and agency vehicles with dashboard cameras. All moneys in the fund shall
2 be nonlapsing and continually appropriated to the department of safety.

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

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

8 IV. The fund shall be overseen by the commissioner of the department of safety and the
9 attorney general who shall, within 180 days of the effective date of this section, jointly establish a
10 process for the application for matching grants from the fund. Such process shall be established in
11 rules adopted jointly by the commissioner of safety and attorney general in accordance with RSA
12 541-A.

13 105-D:3-a Statewide Entity to Receive Complaints Alleging Misconduct Regarding Sworn and
14 Elected Law Enforcement Officers; Commission Established.

15 I. There is hereby established a commission to develop recommendations for legislation to
16 establish a single, neutral, and independent statewide entity to receive complaints alleging
17 misconduct regarding all sworn and elected law enforcement officers pursuant to recommendation
18 #16 in the final report issued by the New Hampshire commission on law enforcement accountability,
19 community and transparency. The commission shall be composed of the following members:

20 (a) The attorney general, or designee, who shall be the chairperson of the commission.

21 (b) One member of the house of representatives, appointed by the speaker of the house.

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

23 (d) Four additional members from the New Hampshire commission on law enforcement
24 accountability, community and transparency established in Executive Order 2020-11. Two of these
25 members shall be law enforcement members and 2 of these members shall not be law enforcement
26 members.

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

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

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

34 146 Repeal. RSA 105-D:3-a, relative to a commission to study establishing a statewide entity to
35 receive complaints alleging misconduct regarding sworn and elected law enforcement officers, is
36 repealed effective November 2, 2021.

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

148 Commission to Study Establishment of Statewide Entity to Receive Complaints of Misconduct; Appropriation. The sum of \$517,250 for the fiscal year ending June 30, 2023 is hereby appropriated to the commission established in RSA 105-D:3-a for the purpose of establishing a single, neutral, and independent statewide entity to receive complaints alleging misconduct regarding all sworn and elected law enforcement officers pursuant to recommendation #16 in the final report issued by the New Hampshire commission on law enforcement accountability, community and transparency.

149 Department of Safety; Radio Infrastructure Equipment Purchases; Procurement.

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

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

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

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

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

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

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

151 New Paragraph; Office of the Chief Medical Examiner; Authority. Amend RSA 611-B:2 by inserting after paragraph II the following new paragraph:

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1 III. The chief medical examiner may appoint a chief forensic investigator and deputy chief
2 forensic investigators who shall be unclassified employees. The chief forensic investigator and
3 deputy chief forensic investigators shall possess all the powers granted to medical examiners under
4 this chapter and be sworn in the same manner.

5 152 New Section; Office of the Chief Medical Examiner; Associate Medical Examiner. Amend
6 RSA 611-B by inserting after section 3 the following new section:

7 611-B:3-a Associate Medical Examiner. There is hereby established within the office of the chief
8 medical examiner the position of associate medical examiner. The associate medical examiner shall
9 be appointed in the same manner as the chief medical examiner as provided in RSA 611-B:2, and
10 shall be a licensed physician, certified by the American Board of Pathology as a qualified pathologist,
11 with training and experience in forensic medicine. The associate medical examiner shall serve under
12 the professional direction and supervision of the chief medical examiner and deputy chief medical
13 examiner and shall act as the chief medical examiner whenever the chief medical examiner and
14 deputy chief medical examiner are absent, or unable to act for any cause.

15 153 Office of the Chief Medical Examiner; Acting Chief Medical Examiner. Amend RSA 611-B:4
16 to read as follows:

17 611-B:4 Acting Chief Medical Examiner. The chief medical examiner may designate in writing
18 an acting chief medical examiner who shall be a licensed physician, certified by the American Board
19 of Pathology as a qualified pathologist with training and experience in forensic medicine. The acting
20 chief medical examiner shall act as the chief medical examiner whenever the chief medical
21 examiner, ~~[and the]~~ deputy chief medical examiner, **and the associate medical examiner** are
22 absent, or unable to act ~~[from]~~ **for** any cause.

23 154 Office of the Chief Medical Examiner; County Reimbursement of Investigation Costs.
24 Amend RSA 611-B:27 to read as follows:

25 611-B:27 ~~[Assistant Deputy Medical Examiner Accounts.]~~ County Reimbursement of
26 Investigation Costs.

27 ~~[I.]~~ Assistant deputy medical examiners shall be paid at the following rates: telephone
28 consultations-\$25; death investigations involving an external examination of the body-\$140, plus
29 mileage at the state rate; pre-cremation examinations conducted pursuant to RSA 325-A:18-\$50.

30 ~~[II. Assistant deputy medical examiners shall submit all claims for telephone consultation~~
31 ~~fees, death investigation fees and expenses, and pre-cremation examination fees to the office of the~~
32 ~~chief medical examiner, which shall authorize such claims and submit them for payment to the state~~
33 ~~treasurer, chargeable to the medico-legal investigation fund established pursuant to RSA 611-B:28.]~~

34 On a monthly basis, the office of the chief medical examiner shall bill each of the counties for the
35 services provided to that county by the chief forensic investigator, deputy chief investigators and
36 assistant deputy medical examiners during the previous month, and any body transportation costs
37 associated with the billed services, as provided under RSA 611-B:15, I. Services shall be billed at the

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1 following rates: telephone consultation-\$25; death investigation-\$140; travel expenses-the state
2 mileage rate. The county treasurer shall submit payment to the state treasurer, for deposit in the
3 medico-legal investigation fund.

4 155 Positions Established; Deputy Chief Forensic Investigators. There is established within the
5 department of justice unclassified positions of deputy chief forensic investigators. The deputy chief
6 forensic investigators shall be qualified to hold the positions by reason of education and experience,
7 and shall be appointed to serve at the pleasure of the chief medical examiner. The deputy chief
8 forensic investigators shall perform the duties of medical examiner pursuant to RSA 611-B. The
9 salary of the deputy chief forensic investigators shall be determined after assessment and review of
10 the appropriate letter grade allocation in RSA 94:1-a, I for positions which shall be conducted
11 pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 014
12 within accounting unit 02-20-20-202010-1037.

13 156 Cremation of Human Remains; Medical Examiner's Certificate. Amend RSA 325-A:18, I to
14 read as follows:

15 I. The body of a deceased person shall not be cremated within 48 hours after his or her
16 decease unless he or she died of a contagious or infectious disease. If the death occurred within the
17 state, the body shall not be cremated by the crematory authority until the crematory authority has
18 received the certificate of burial permit required by law before burial, and a certificate from a
19 medical examiner that he or she has ~~viewed the body and made personal inquiry into~~ **investigated**
20 the cause and manner of death, and is of the opinion that no further examination or judicial inquiry
21 concerning the same is necessary. If the death occurred within the state but the body is being
22 transferred out of state for cremation, the transfer shall not occur until the medical examiner has
23 conducted such ~~a view and inquiry~~ **an investigation** and has issued a certificate. If the death
24 occurs without the state, the reception and cremation of the body of a deceased person shall be
25 governed by rules adopted by the board after consultation with the chief medical examiner.

26 157 Department of Justice; Director of Diversity and Community Outreach; Position
27 Established. There is established within the department of justice an unclassified position of
28 director of diversity and community outreach. The director of diversity and community outreach
29 shall be qualified to hold the position by reason of education and experience, and shall be appointed
30 to serve for a term of 5 years. The position shall assist the attorney general and deputy attorney
31 general to establish goals and milestones towards creating a more diverse, inclusive, and culturally
32 aware law enforcement community through efforts that increase equity and cultural awareness
33 among state, county, local prosecution, law enforcement and diverse communities to foster positive
34 relationships, understanding and respect. The salary of the director of diversity and community
35 outreach shall be determined after assessment and review of the appropriate letter grade allocation
36 in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

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Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-200010-2601.

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

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

159 Judicial Council; Expenditures for Termination of Parental Rights Services. In the event that expenditures for termination of parental rights services are greater than amounts appropriated in the operating budget, the judicial council may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding. For funds requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

160 Governor's Scholarship Program; Definitions. Amend RSA 4-C:31, I to read as follows:

I. "Commission" means the college tuition savings plan [~~advisory~~] ***scholarship*** commission established in RSA195-H:2.

161 Application of Receipts; New Hampshire Excellence in Higher Education Trust Fund. Amend RSA 6:12,I(b)(115) to read as follows:

(115) Moneys deposited in the New Hampshire excellence in higher education [~~endowment~~] trust fund ***established*** under RSA 6:38.

162 New Hampshire Excellence in Higher Education Trust Fund. Amend the subdivision heading preceding RSA 6:37 and RSA 6:37 through RSA 6:40 to read as follows:

New Hampshire Excellence in
Higher Education [~~Endowment~~] ***Trust*** Fund

6:37 Definitions. In this subdivision:

I. "Commission" means the New Hampshire college tuition savings plan [~~advisory~~] ***scholarship*** commission established in RSA 195-H.

II. "Eligible educational institution" means that which is defined in section 529 of the Internal Revenue Code, as amended.

III. "Trust Fund" means the New Hampshire excellence in higher education [~~endowment~~] trust fund as established in this chapter.

6:38 New Hampshire Excellence in Higher Education [~~Endowment~~] Trust Fund Established.

I. There is hereby established [~~in the office of the treasurer~~] the New Hampshire excellence in higher education [~~endowment~~] trust fund which shall be kept separate and distinct and separate from all other funds. Annual assessments less any annual administrative costs received from the

1 New Hampshire college tuition savings plan ***scholarship commission*** established under RSA 195-
2 H shall be ~~[credited to the trust fund to provide scholarships for the benefit of residents of the state~~
3 ~~pursuing programs of study at eligible educational institutions within the state]~~ ***allocated in the***
4 ***following order:***

5 (a) ***Twenty percent shall be used to provide direct scholarships to New***
6 ***Hampshire residents attending New Hampshire institutions of higher education; and***

7 (b) ***Twenty percent shall be used for the UNIQUE endowment allocation***
8 ***program; and***

9 (c) ***Sixty percent shall be transferred to the workforce development student debt***
10 ***relief fund established in RSA 162-T:3 for the purpose of providing student debt relief.***

11 II. The state treasurer shall be the trustee of the trust fund established in this chapter, and
12 shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be
13 added to the trust fund.

14 III. All moneys in the trust fund shall be nonlapsing and shall be continually appropriated
15 to the commission for purposes of providing education scholarships under this subdivision and
16 student debt relief pursuant to RSA 162-T.

17 6:39 Administration.

18 I. The trust fund shall be administered by the New Hampshire college tuition savings plan
19 ~~[advisory]~~ scholarship commission established in RSA 195-H:2.

20 II. The commission shall have the authority to institute promotional programs and to solicit
21 and receive gifts or donations of any kind for the purpose of supporting educational scholarships
22 within the trust fund. Notwithstanding any provision of law to the contrary, the commission may
23 accept gifts to the trust fund including, but not limited to, cash gifts and real or personal property,
24 without the approval of the governor and council.

25 III. All gifts, grants, and donations of any kind shall be credited to the trust fund.

26 IV. The commission may enter into agreements with existing departments or agencies, as it
27 deems necessary, to administer the scholarship application, qualification, and award process.

28 V. No more than one percent of the total amount of scholarships awarded from the trust
29 fund in any fiscal year shall be used for administrative expenses, except upon approval of the
30 commission.

31 6:40 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

32 I. Establishing minimum qualifications of ***direct*** scholarship applicants.

33 II. Instituting a ***direct*** scholarship application process, which includes but is not limited to
34 requiring that all applicants complete a formal scholarship application on appropriate forms to be
35 developed by the commission and time frames for the application process.

36 III. Procedures for awarding and disbursing ***direct*** scholarships.

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(b) The person shall be ~~[employed to perform primarily active regenerative manufacturing business activities as that term is defined in RSA 77-A:1, XXX and the principal office at which such person is employed is located within New Hampshire]~~ ***a qualified employee as defined in paragraph IV***;

~~(c) No forgiveness of such student indebtedness shall be effected unless the person shall have been employed to perform primarily active regenerative manufacturing business activities at a location within New Hampshire for a minimum period of 5 years].~~

IV. *In this chapter, “qualified employee” shall mean a person who satisfies each of the following requirements:*

(a) *The person performs services as a full-time employee principally at a location within New Hampshire;*

(b) *The person is not a participant in any other state, federal, or private student debt forgiveness program; and*

(c) *The person is employed:*

(1) *By a company within the biotechnology industry, including but not limited to qualified regenerative manufacturing companies, as defined in RSA 77-A:1, XXX; or*

(2) *By the state of New Hampshire as a nurse at the state hospital, Glencliff Home, or the veterans' home; or*

(3) *In a position that requires the person to be licensed to provide medical care to patients; or*

(4) *In additional positions or by companies within additional industries which shall be determined from time to time by the commissioner of the business and economic affairs, with input and assistance from the council of partner agencies established under RSA 12-O:7, the commission established under RSA 162-T:6, and other public and private organizations with whom it chooses to work, consistent with the 10-year economic development strategy and operating plan developed under RSA 12-O:24.*

V. Prior to the expenditure or loan of any money under this section, the authority shall enter into one or more agreements with any person obligated to make payments under education indebtedness to provide for the conditions on which the expenditures, deferments, or forgiveness will be made, the terms of repayment of such expenditure or loan, the time and manner of such repayment, the form and amount of security if any, to be pledged to the authority for such repayment, and such other provisions as the authority may determine are necessary or desirable.

[V.] VI. The authority, to further its education indebtedness loan programs pursuant to this chapter, shall have the power to:

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1 (a) Determine the nature of education indebtedness programs for eligible persons,
2 including how such loans may be acquired and the mechanisms for deferral of payment or
3 forgiveness with respect to such education indebtedness;

4 (b) Enter into contracts with employers of persons who are subject to the programs
5 established under this chapter to assist in the administration of such programs;

6 (c) Enter into contracts for the administration or servicing of education indebtedness
7 acquired pursuant to the programs established under this chapter;

8 (d) Receive and accept from any public agency or any other source loans, grants,
9 guarantees, or insurance with respect to education indebtedness and the programs established
10 under this chapter;

11 (e) Establish guidelines governing the actions of the authority with respect to the
12 programs established under this chapter; and

13 (f) Exercise all powers incidental and necessary for the performance of the powers listed
14 in this paragraph.

15 ***VII. The total amount of indebtedness of qualified employees in qualified***
16 ***regenerative manufacturing companies as defined in RSA 77-A:1, XXX which is subject to***
17 ***forgiveness under this chapter shall not at any time exceed \$5,000,000.***

18 ***VIII. Not less than 80 percent of the total amount of indebtedness designated by the***
19 ***authority in any fiscal year for potential forgiveness under this chapter for the benefit of***
20 ***qualified employees shall be attributable to qualified employees who, at the time of such***
21 ***designation, have achieved the required degree or other evidence of academic achievement***
22 ***within the 2-year period prior to the date of such designation.***

23 ***IX. Not later than October 1 in each fiscal year, the authority shall disclose to the***
24 ***fiscal committee of the general court and the chairpersons of the house and senate finance***
25 ***committees, the total amount of indebtedness in that fiscal year which the authority has***
26 ***designated for potential forgiveness pursuant to this chapter. The authority shall not***
27 ***disclose a qualified employee's personally identifiable information.***

28 ***X. Any program established by the authority under this chapter shall include***
29 ***provisions necessary to ensure that funds available under the program are, to the extent***
30 ***feasible, distributed to persons who demonstrate financial need at the time of their***
31 ***application to the program.***

32 162-T:3 [~~State Regenerative Manufacturing~~] Workforce Development ***Student Debt Relief***
33 ***Fund Established.***

34 I. There is established within the authority a [~~state regenerative manufacturing~~] workforce
35 development ***student debt relief*** fund, which shall be held by the authority [~~apart~~] separate from
36 all of its other funds. Annual state appropriations and other funds from state or federal sources, and
37 any gifts, grants, or donations, shall be credited to the fund. The [~~state regenerative manufacturing~~

~~workforce development]~~ ***student debt relief*** fund shall be administered by the authority and shall be used for the ~~[sole purposes of carrying out the purposes of RSA 162-T:2]~~ ***purposes set forth in this chapter. The authority shall allocate \$300,000 from the fund annually to administer the program.*** The authority shall invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the fund for the purpose of providing ~~[regenerative manufacturing worker educational]~~ dent relief as provided in this section.

II. The authority may create subfunds or trusts of the ~~[state regenerative manufacturing]~~ workforce development ***student debt relief*** fund, which shall be held by the authority ~~[apart]~~ ***separate*** from all of its other funds, which may be deemed irrevocably pledged to secure the repayment of state workforce development bonds issued under RSA 162-T:4. If such a pledged amount or amounts are called upon to be honored, the authority shall draw upon such fund for the purpose of honoring such pledge.

164 New Sections; Workforce Development Student Debt Relief Program; Commission Established; Reporting and Approval. Amend RSA 162-T by inserting after section 5 the following new sections:

162-T:6 Commission Established. There shall be a commission established to monitor the implementation and operation of the workforce development student debt relief program established in this chapter and to recommend adjustments to the program as needed.

I. The commission shall be composed of the following members:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) The commissioner of the department of business and economic affairs, or designee.

(e) The commissioner of the department of labor, or designee.

II. The duties of the commission shall include, but are not limited to:

(a) Monitoring the number of persons in each qualifying industry who are receiving student debt assistance from the program established in this chapter.

(b) Reviewing and determining potential additional industries for which the state may need additional workforce, and recommending such industries for addition to the list of qualifying industries under the program.

(c) Reviewing all other aspects of the program and proposing any legislative changes which the commission deems necessary for the successful operation of the program.

III. The commission may solicit information from any person or entity the commission deems relevant to its duties.

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1 IV. Legislative members of the commission shall receive mileage at the legislative rate when
2 attending to the duties of the commission. The members of the commission shall elect a chairperson
3 from among the members. The first meeting of the commission shall be called by the first-named
4 senate member and shall be held not later than 45 days after the effective date of this section. Five
5 members shall constitute a quorum.

6 V. The commission shall submit a report no later than November 1, 2021 and annually
7 thereafter, to the senate president, speaker of the house of representatives, and the governor, based
8 on the information specified in paragraph II of this section and recommending any legislative
9 changes which the commission deems necessary.

10 162-T:7 Reporting and Approval Regarding Workforce Development Student Debt Relief
11 Program. The authority shall design the terms, conditions, and provisions of the workforce
12 development student debt relief program authorized by this chapter. The authority shall deliver to
13 the fiscal committee of the general court a report on the progress of its efforts to develop such terms,
14 conditions, and provisions as required in this chapter. The authority shall present the program to
15 the fiscal committee of the general court for approval prior to taking any action to implement a final
16 workforce development student debt relief program.

17 165 College Tuition Savings Plan; Definitions. Amend RSA 195-H:1, I to read as follows:

18 I. "Commission" means the New Hampshire college tuition savings plan [~~advisory~~]
19 ***scholarship*** commission.

20 166 College Tuition Savings Plan. Amend the section heading of RSA 195-H:2 and the
21 introductory paragraph in RSA 195-H:2, I(a) to read as follows:

22 195-H:2 [~~Advisory~~] ***Scholarship*** Commission Established; Reports.

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

32 167 College Tuition Savings Plan; Rulemaking. Amend RSA 195-H:3, VIII to read as follows:

33 VIII. The administration, implementation, and promotion of the New Hampshire excellence
34 in higher education [~~endowment~~] trust fund established in RSA 6:38.

35 168 College Tuition Savings Plan; Program Transferred. Amend 2019, 346:437 to read as
36 follows:

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1 346:437 Program Transferred. The administration, implementation, and management of the
2 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college
3 tuition savings plan [~~advisory~~] ***scholarship*** commission established in RSA 195-H:2. Any
4 administrative rules for the governor's scholarship program shall continue in effect and shall be
5 enforced by the commission until such rules expire or are repealed or amended in accordance with
6 applicable law.

7 169 Allied Health Professionals; Re-ordering of Definitions. RSA 328-F:2 is repealed and
8 reenacted to read as follows:

9 328-F:2 Definitions. In this chapter:

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

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

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

15 IV. "Governing boards" means individual licensing boards of athletic trainers, occupational
16 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical
17 therapist assistants, respiratory care practitioners, speech-language pathologists and hearing care
18 providers, and genetic counselors.

19 V. "Hearing care providers" mean audiologists and hearing aid dealers as defined in RSA
20 326-F:1.

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

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

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

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

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

28 XI. "Speech-language pathology" means "speech-language pathology" as defined in RSA
29 326-F:1.

30 170 Allied Health Professionals; Governing Boards; Hearing Care Providers. Amend RSA 328-
31 F:3, I to read as follows:

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

35 171 Allied Health Professionals; Governing Boards; Membership. Amend RSA 328-F:4, I to
36 read as follows:

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

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

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

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

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

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

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

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

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

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

I. The board of directors shall establish fees for:

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

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

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

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

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

(f) Transcribing and transferring records.

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

(h) The registration of hearing aid dealers.

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

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

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

(b) Numbered consecutively and recorded.

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

328-F:19 Renewal.

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

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

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

III. Applicants **whose licenses expire on December 31 of the renewal year** shall submit completed applications for renewal on or before December 1 of the renewal year. Completed renewal applications submitted between December 2 and December 31 of the renewal year shall be

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1 accompanied by a late filing fee. Licenses shall lapse when completed renewal applications have not
2 been filed by December 31 of the renewal year, and their holders are not authorized to practice until
3 the licenses have been reinstated.

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

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

15 179 Allied Health Professionals; License Provisions; Obligation to Report. Amend RSA 328-
16 F:25, I and II to read as follows:

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

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

30 180 Allied Health Professionals; Unauthorized Practice. Amend RSA 328-F:27, II to read as
31 follows:

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

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

CHAPTER 326-F

SPEECH-LANGUAGE PATHOLOGY *AND HEARING CARE PROVIDERS* PRACTICE

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

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

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

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

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

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

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

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

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

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

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

1 (c) Rendering basic and comprehensive auditory and vestibular habilitative and
2 rehabilitative services, including aural rehabilitative assessment and therapy, vestibular
3 rehabilitative assessment and therapy, and speech and language screening.

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

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

10 (f) Providing occupational hearing conservation.

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

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

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

16 (c) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
17 cognitive communication disorders.

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

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

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

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

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

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

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

36 XII. "Speech-language pathologist" means any person who renders or offers to render to the
37 public any service involving the application of principles, methods, and procedures for the

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measurement of testing, identification, appraisal, consultation, counseling, instruction and research related to the development and disorders of speech, voice, or language for the purpose of diagnosing, designing, and implementing programs for the amelioration of such disorders and conditions.

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

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

III. To be eligible for initial licensure as an audiologist an applicant shall:

(a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

(b) Possess at least a master's degree in audiology from an educational institution approved by the board which consists of course work approved pursuant to rules adopted by the board pursuant to RSA 541-A.

(c) Complete a supervised postgraduate professional experience at an educational institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant to RSA 541-A.

(d) Pass an examination specified by the board in rules adopted under RSA 541-A.

(e) Complete a supervised postgraduate professional experience.

(f) If applicable, submit proof of licensure in another state in which the licensure requirements are equivalent to or greater than those in this chapter.

184 New Paragraph; Speech Language Pathology and Hearing Care Providers Practice; Rulemaking. Amend RSA 326-F:5 by inserting after paragraph VII the following new paragraph:

VIII. The sale and fitting of hearing aids.

185 Speech Language Pathology and Hearing Care Providers Practice; Eligibility for Renewal of Licenses. Amend RSA 326-F:6, I to read as follows:

I. ***For speech-language pathologists***, have completed 30 hours of continuing education which meet the requirements established by the board through rulemaking pursuant to RSA 541-A and at least 50 percent of which are directly related to the practice of speech-language pathology. ***For audiologists***, have completed 20 hours of continuing education which meet the requirements established by the board through rulemaking pursuant to RSA 541-A.

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1 186 New Paragraphs; Speech-Language Pathology and Hearing Care Providers Practice;
2 Professional Identification. Amend RSA 326-F:8 by inserting after paragraph IV the following new
3 paragraphs:

4 V. No person shall practice audiology or represent oneself as an audiologist in this state,
5 unless such person is licensed in accordance with the provisions of this chapter.

6 VI. No person shall represent oneself or use the following words to represent oneself:
7 audiologist, audiology, audiometry, audiometrist, audiological, audiometrics, hearing therapy,
8 hearing therapist, hearing clinic, hearing aid audiologist, or any other variation or synonym which
9 expresses, employs, or implies these terms or functions unless the person has been duly licensed as
10 an audiologist.

11 187 New Sections; Registration of Hearing Aid Dealers; Temporary Licensure for Audiologists;
12 Audiologists From Other Jurisdictions; Disclosure to Customers; Unsolicited Home Sales Prohibited;
13 Return of Hearing Aid; Deceptive Advertising Prohibited. Amend RSA 326-F by inserting after
14 section 8 the following new sections:

15 326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business
16 of selling or offering for rent hearing aids unless such person is registered in accordance with this
17 chapter and unless the registration of such person is current and valid. The fee for an initial
18 registration under this section shall not exceed \$300. This section includes the selling or renting of
19 hearing aids by mail in this state by a person outside the state. Registration certificates shall be
20 renewed biennially on or before June 30 upon payment of a renewal fee.

21 326-F:10 Temporary Licensure for Audiologists.

22 I. A temporary license may be granted for up to 120 days to a person who has moved to this
23 state from another jurisdiction, if the person holds an audiologist's license in the other jurisdiction
24 and the other jurisdiction's requirements for licensure are greater than or equal to the requirements
25 in this state, and the person has applied for a license under this chapter.

26 II. A temporary license issued under this section shall expire no later than 120 days after
27 issuance. The date shall be stated on the license.

28 326-F:11 Audiologists From Other Jurisdictions; Licensure. The board may waive licensure
29 requirements for an applicant who:

30 I. Is licensed by another jurisdiction where the requirements for licensure are greater than
31 or equal to those required in this state; and

32 II. Is practicing audiology 20 days or less in New Hampshire in any calendar year.

33 326-F:12 Hearing Aid Dealer and/or Audiologist Disclosure to Customers.

34 I. No hearing aid dealer or audiologist shall sell a hearing aid without presenting the
35 purchaser an itemized receipt, which shall include the following:

36 (a) The name and address and signature of the purchaser.

37 (b) The date of the sale.

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1 (c) The name and the regular place of business of the hearing aid dealer or dealer's
2 registration number or of the audiologist or audiologist's license number, and signature of the
3 registrant or licensee.

4 (d) The make, model, serial number, and purchase price of the hearing aid and the
5 terms of the warranty.

6 (e) An itemization of the total purchase price, including but not limited to the cost of the
7 aid, ear mold, and batteries and other accessories and any other services.

8 (f) A statement as to whether the hearing aid is "new," "used" or "reconditioned."

9 (g) The complete terms of the sale, including a clear and precise statement of the 30-day
10 money back guarantee required under RSA 326-F:14.

11 (h) The name, address and telephone number of the consumer protection and antitrust
12 bureau, division of public protection, department of justice, with a statement that complaints which
13 arise with respect to the transaction may be submitted in writing to the consumer protection and
14 antitrust bureau.

15 (i) The following statements in 10 point type or larger: 1) "This hearing aid will not
16 restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel this
17 purchase or rental for any reason within 30 days after receiving the hearing aid."

18 II. Each registrant or licensee shall keep records of every customer to whom such person
19 renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I,
20 a record of services provided, any correspondence to or from a customer and any records required
21 under the rules for the hearing aid industry as promulgated by the United States Federal Trade
22 Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated
23 by the United States Food and Drug Administration. These records shall be preserved for at least 3
24 years after the date of transaction.

25 326-F:13 Unsolicited Home Sales Prohibited. No hearing aid dealer or audiologist, employee or
26 agent thereof, shall canvass either in person or by telephone from house to house for the purpose of
27 selling or renting a hearing aid without prior request from the prospective customer, a relative or
28 friend of the prospective customer.

29 326-F:14 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person
30 unless accompanied by a 30-day written money back guarantee that if the person returns the
31 hearing aid in the same condition, ordinary wear and tear excluded, as when purchased, within 30
32 days from the date of delivery, the hearing aid dealer or audiologist may be entitled to a cancellation
33 fee of 5 percent of the purchase price. In computing the actual purchase price, all rebates,
34 discounts, and other similar allowances provided to the seller shall be considered. For the purpose
35 of this section, any consumer who initiates the return of a hearing aid within said 30-day period
36 shall be in compliance with this section. The addressing of any claimed deficiency or return shall be
37 resolved within 90 days from date of delivery.

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1 326-F:15 Deceptive Advertising Prohibited.

2 I. No hearing aid dealer or audiologist, or employee or agent thereof, shall use or cause to be
3 used or promote the use of any advertising matter, promotional literature, testimonial, guarantee,
4 warranty, label, brand, insignia, or other representation, however disseminated or published, which
5 is misleading, deceptive, or untruthful. All advertising by mail which offers free hearing testing or
6 other services by a hearing aid dealer or audiologist shall clearly state in such advertising that the
7 offers are made by a hearing aid dealer or audiologist.

8 II. No hearing aid dealer, or employee or agent thereof, shall represent that the services or
9 advice of an individual licensed to practice medicine or of an individual certified as an audiologist
10 will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing
11 aids where that is not true; or use or incorporate in any title or designation the words, "doctor,"
12 "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state certified," "state
13 approved," "state registered," "certified hearing aid audiologist," or any term, abbreviation, or symbol
14 which would give the false impression that one is being treated medically or audilogically or that
15 the registrant's services have been recommended by the state.

16 III. No hearing aid dealer or audiologist, or employee or agent thereof, shall use any
17 advertisement or any other representation which has the effect of misleading or deceiving
18 purchasers or prospective purchasers in the belief that any hearing aid or device, or part or
19 accessory thereof, is a new invention or involves a new mechanical or scientific principle when such
20 is not a fact.

21 IV. No hearing aid dealer or audiologist, or employee or agent thereof, shall state or imply
22 that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent or
23 retard the progression of a hearing impairment or make any false or misleading or medically or
24 audilogically unsupportable claims regarding the efficacy or benefits of hearing aids.

25 V. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise a
26 particular model, type, or kind of hearing aid when the offer is not a bona fide effort to sell the
27 product so offered as advertised.

28 VI. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise that a
29 hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such
30 dealer, employee, or agent shall advertise that a hearing aid will enable persons with hearing loss to
31 consistently distinguish and understand speech sounds in noisy situations.

32 VII. No hearing aid shall be sold to any person unless the packaging containing the hearing
33 aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore
34 normal hearing nor will it prevent further hearing loss."

35 326-F:16 Out-of-State Sales Regulated.

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I. No person shall conduct or operate a business outside of the state for the sale at retail of hearing aids to individuals within the state unless such business is registered with a permit issued by the board.

II. The board shall issue a permit to such out-of-state business if the business discloses and provides proof:

(a) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(b) Of the operating locations and the names and titles of all principal corporate officers;

(c) That the business complies with all lawful directions and requests for information from the board of all states in which it conducts business; and

(d) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of hearing aids.

III. The board shall assess fees as established by rules adopted by the board, pursuant to RSA 541-A, for out-of-state hearing aid sales companies.

188 General Administration of Regulatory Boards and Commissions; Reciprocity Information. Amend the introductory paragraph of RSA 332-G:12, I to read as follows:

I. All boards or commissions~~[, including the board of hearing care providers established in RSA 137-F:3,]~~ shall post information on their website relative to reciprocal licensure or certification for persons holding a current and valid license or certification for the practice of the regulated profession in another state. Such information shall include a list of the states which the board or commission has determined to have license or certification requirements equal to, or greater than, the requirements of this state. The posting shall also list states with which the board or commission has:

189 Repeals. The following are repealed:

I. RSA 137-F, relative to hearing care providers.

II. RSA 310-A:1-a, II(a), relative to hearing care providers.

190 Transition; Rules; Hearing Care Providers.

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

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

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

CHAPTER 12-P
DEPARTMENT OF ENERGY

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12-P:1 Definitions. In this chapter:

I. "Commission" means the public utilities commission.

II. "Commissioner" means the commissioner of energy.

III. "Department" means the department of energy

12-P:2 Establishment; Purpose.

I. There shall be a department of energy under the executive direction of a commissioner of energy and consisting of the divisions of support, policy and programs, enforcement, and energy regulation.

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

III. In addition to its other functions, it shall be the duty of the department of energy to provide all necessary administrative, technical, and staff support to the public utilities commission to assist the commission in carrying out its regulatory and adjudicative functions.

IV. The department shall have the authority to investigate any matter that may come before the public utilities commission and to appear before the commission to advocate for the department's position and for the purposes of providing a complete record for consideration by the commission.

12-P:3 General Provisions.

I. Upon the recommendation of the commissioner after consultation with division directors concerned, the governor and council are authorized to approve revisions in internal administrative departmental organization as the governor and council find from time to time may improve or make more economical the administration of the department.

II. With the approval of the governor and council and of the director of personnel, the commissioner of energy is authorized to transfer classified personnel, appropriations or portions thereof relating thereto as well as necessary equipment, within any division or between divisions of the department.

12-P:4 Commissioner; Deputy Commissioner; Directors

I. The commissioner of the department of energy shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified to hold that position by reason of education and experience. Directors of departmental divisions shall be subject to the supervisory authority of the commissioner, which authority shall include power to establish department and divisional policy as well as to control the actual operations of the department and all divisions therein. The commissioner is authorized to establish any advisory committees and programs which the commissioner may deem necessary to carry out the mission and operations of the department.

1 II. The commissioner of energy shall nominate a deputy commissioner of energy for
2 appointment by the governor and council. The deputy commissioner shall hold office for 4 years and
3 until a successor has been appointed and qualified. The deputy commissioner shall be qualified to
4 hold that position by reason of education and experience. The deputy commissioner shall perform
5 such duties as the commissioner may assign. The deputy commissioner shall perform the duties of
6 the commissioner if for any reason the commissioner is unable to do so.

7 III. Division directors shall be appointed to initial terms as stated below, and then
8 subsequently to terms of 4 years. Terms notwithstanding, each division director shall serve until a
9 successor has been appointed and qualified.

10 (a) The commissioner shall nominate for appointment by the governor and council a
11 director of the division of policy and programs for an initial term of one year. All subsequent terms
12 shall be 4 years. The director of the division of policy and programs shall be qualified to hold that
13 position by reason of education and experience.

14 (b) The commissioner shall nominate for appointment by the governor and council a
15 director of the division of administration for an initial term of 2 years. All subsequent terms shall be
16 4 years. The director of the division of administration shall be qualified to hold that position by
17 reason of education and experience.

18 (c) The commissioner shall nominate for appointment by the governor and council a
19 director of the division of enforcement for an initial term of 3 years. All subsequent terms shall be 4
20 years. The director of the division of enforcement shall be qualified to hold that position by reason of
21 education and experience.

22 (d) The commissioner shall nominate for appointment by the governor and council a
23 director of the division of regulatory support for an initial term of 3 years. All subsequent terms
24 shall be 4 years. The director of the division of regulatory support shall be qualified to hold that
25 position by reason of education and experience.

26 IV. The salaries of the commissioner, the assistant commissioner, and each division director
27 shall be as specified in RSA 94:1-a.

28 12-P:5 Duties of Commissioner. In addition to the powers, duties, and functions otherwise
29 vested by law in the commissioner of the department of energy, the commissioner, except as
30 otherwise provided in this chapter, shall:

31 I. Represent the public interest in the administration of the functions of the department of
32 energy and be responsible to the governor, the general court, and the public for such administration.

33 II. Provide for, in consultation with the commissioner of the department of administrative
34 services and the state treasurer, a system of accounts and reports which will ensure the integrity
35 and lawful use of all fees, funds, and revenues collected by the department, the use of which is
36 restricted by state or federal law.

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1 III. Have the authority to receive, administer, and internally audit all present and future
2 federal and state energy-related grant programs.

3 IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the
4 continuance or granting of federal funds or other assistance intended to promote the administration
5 of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the
6 specific statutes administered by the department or by any division or unit within the department,
7 whether the rulemaking authority delegated by the legislature is granted to the commissioner, the
8 department, or any administrative unit or subordinate official of the department.

9 V. Have the authority to reorganize rules of the department to conform to the requirements
10 of RSA 541-A and the uniform drafting and numbering system adopted by the division of
11 administrative rules, office of legislative services. Reference changes shall be limited to title,
12 chapter, part, and section designations and numbers and substitution of terms reflecting
13 reorganization of the department to the existing statutory structure, and shall be made subject to
14 review by the division of administrative rules, office of legislative services for consistency and
15 accuracy of such changes. Such reference changes shall be integrated into the rules and such
16 amendments to the rules shall become effective when notice of these reference changes is published
17 by the director of legislative services in the rulemaking register. Reference changes made prior to
18 July 1, 2022, shall be exempt from the procedures and requirements of RSA 541-A. Changes
19 authorized under this section shall not affect the adoption or expiration date of rules changed under
20 this section.

21 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person
22 subject to the jurisdiction of the department of energy and the public utilities commission.

23 VII. Ensure that the department provides all necessary clerical and technical support to the
24 public utilities commission, the site evaluation committee, office of the consumer advocate, and any
25 other entity that is administratively attached to the department.

26 12-P:6 Division of Administration. There is established within the department the division of
27 administration, under the supervision of an unclassified director of the division of administration.
28 The division, through its officials, shall be responsible for all functions, duties, and responsibilities
29 which may be assigned to it by the commissioner or laws enacted by the general court.

30 12-P:7 Division of Policy and Programs. There is established within the department the division
31 of policy and programs, under the supervision of an unclassified director of the division of policy and
32 programs. The division, through its officials, shall be responsible for all functions, duties, and
33 responsibilities which may be assigned to it by the commissioner or laws enacted by the general
34 court. In addition, the division shall administer fuel assistance contracts and weatherization
35 contracts. In administering fuel assistance and weatherization contracts, the division shall ensure
36 that when an individual applies for fuel assistance or weatherization, the individual shall be

provided with application forms and information about the Link-Up New Hampshire and Lifeline Telephone Assistance programs, and shall be provided assistance in applying for these programs.

12-P:7-a State Energy Strategy.

I. The division of policy and programs, with approval of the commissioner, and with assistance from an independent consultant and with input from the public and interested parties, shall prepare a 10-year energy strategy for the state. The division shall review the strategy and consider any necessary updates in consultation with the senate energy and natural resources committee and the house science, technology and energy committee, after opportunity for public comment, at least every 3 years starting in 2021. The state energy strategy shall include, but not be limited to, sections on the following:

(a) The projected demand for consumption of electricity, natural gas, and other fuels for heating and other related uses.

(b) Existing and proposed electricity and natural gas generation and transmission facilities, the effects of future retirements and new resources, and consideration of possible alternatives.

(c) Renewable energy and fuel diversity.

(d) Small-scale and distributed energy resources, energy storage technologies, and their potential in the state.

(e) The role of energy efficiency, demand response, and other demand-side resources in meeting the state's energy needs.

(f) The processes for siting energy facilities in the state and the criteria used by the site evaluation committee in giving adequate consideration to the protection of the state's ecosystems and visual, historic, and aesthetic resources in siting processes.

(g) The relationship between land use and transportation policies and programs on electricity and thermal energy needs in the state.

(h) New Hampshire's role in the regional electric markets, how the regional market affects the state's energy policy goals, and how the state can most effectively participate at the regional level.

II. The strategy shall include a review of all state policies related to energy, including the issues in paragraph I, and recommendations for policy changes and priorities necessary to ensure the reliability, safety, fuel diversity, and affordability of New Hampshire's energy sources, while protecting natural, historic, and aesthetic resources and encouraging local and renewable energy resources. The strategy shall also include consideration of the extent to which demand-side measures including efficiency, conservation, demand response, and load management can cost-effectively meet the state's energy needs, and proposals to increase the use of such demand resources to reduce energy costs and increase economic benefits to the state.

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1 III. The strategy development process shall include review and consideration of relevant
2 studies and plans, including but not limited to those developed by the independent system operator
3 of New England (ISO-NE), the public utilities commission, the energy efficiency and sustainable
4 energy board, legislative study committees and commissions, and other state and regional
5 organizations as appropriate. The strategy shall also include consideration of new technologies and
6 their potential impact on the state's energy future.

7 12-P:7-b Office of Offshore Wind Industry Development Established.

8 I. There is established in the department of energy the office of offshore wind industry
9 development. The office shall be under the supervision of a classified director of the office of offshore
10 wind industry development, who shall serve under the supervision of the commissioner. The
11 director shall provide administrative oversight and ensure that the responsibilities of the office
12 described in this section are fulfilled.

13 II. The office of offshore wind industry development shall:

14 (a) Support the work of the New Hampshire members of the Intergovernmental
15 Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management
16 (BOEM).

17 (b) Support the work of the offshore wind commission established in RSA 374-F:10.

18 (c) Assist the offshore wind commission to develop and implement offshore wind
19 development strategies including:

20 (1) Assessment of port facilities.

21 (2) Economic impact analyses.

22 (3) Supply chain analyses.

23 (4) Outcome and performance measurements.

24 (d) Collaborate with key state agencies and partners on offshore wind industry
25 development initiatives.

26 (e) Coordinate offshore wind industry economic development policy, including:

27 (1) Development of workforce.

28 (2) Identification of and recruitment of offshore wind development employers.

29 (3) Identification and recruitment of offshore wind supply chain employers.

30 (4) Promotion of New Hampshire's benefits to the various components of the offshore
31 wind industry.

32 (5) Provide updates and guidance to the general court with regard to policy and
33 funding.

34 12-P:8 Division of Enforcement. There is established within the department the division of
35 enforcement, under the supervision of an unclassified director of the division of enforcement. The
36 division, through its officials, shall be responsible for all functions, duties, and responsibilities which
37 may be assigned to it by the commissioner or laws enacted by the general court.

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1 12-P:9 Division of Regulatory Support. There is established within the department the division
2 of regulatory support, under the supervision of an unclassified director of the division of regulatory
3 support. The division, through its officials, shall be responsible for all functions, duties, and
4 responsibilities which may be assigned to it by the commissioner or laws enacted by the general
5 court.

6 12-P:10 Suppliers of Natural Gas and Aggregators of Natural Gas Customers; Rulemaking.

7 I. The department is authorized to adopt rules, pursuant to RSA 541-A, establishing
8 requirements for suppliers of natural gas and the aggregators of natural gas customers, including
9 registration of such suppliers and aggregators before soliciting or doing business in the state,
10 registration fees, disclosure of information to customers, standards of conduct, submission to
11 commission jurisdiction for mediation and resolution of disputes, imposition of penalties for failure
12 to comply with commission requirements, and consumer protection and assistance requirements.

13 II. The department of energy shall adopt rules under RSA 541-A which require all natural
14 gas companies to report to the department, the senate president, and the speaker of the house of
15 representatives, in a uniform manner, lost and unaccounted for gas for each year.

16 (a) Such rules shall include a method using operational and billing data to determine the
17 total amount of lost and unaccounted for gas and to identify and measure each of its components.

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

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

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

33 12-P:11 Specific Answers. The department may require any public utility to make specific
34 answers to questions upon which the commission may need information.

35 12-P:12 Transfer of Functions, Powers, Duties. All of the functions, powers, duties, records,
36 personnel, and property of the public utilities commission covered by statutes amended to replace

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the commission with the department of energy are hereby transferred, as of September 1, 2021, to the department of energy.

12-P:13 Authority to Contract for Power. The department of energy is hereby designated as the agency of the state to bargain with the Power Authority of the State of New York for the procurement of power capacity and power output from said power authority and to bargain with the appropriate agencies and officials of Canada or its provinces for the procurement of power capacity and power output therefrom, with the right to contract for the purchase of such power, and resale of such power on a nonprofit basis to the electric distribution companies, cooperative, municipal and privately-owned without preference or discrimination for distribution within the state. The department of energy with the consent of the governor and council is authorized and empowered to enter into contracts for the transmission of such power from the place of purchase to a point, or points, within the state of New Hampshire.

12-P:14 Pipeline Operation Safety.

I. The department of energy shall apply annually to the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation for authorization to take such actions on its behalf to oversee pipeline operation safety, security, monitoring, and compliance through an inspection process.

II. The department of energy shall report annually to the house science, technology, and energy committee prior to October 1 on the status of pipeline safety, new and proposed projects, any deficiency in state law that limits the department's ability to oversee interstate pipelines, or state regulations for pipelines that do not meet the minimum federal standard.

12-P:15 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the public utilities commission which are associated with any functions, powers, and duties, transferred to the department of energy pursuant to RSA 12-P:12 or any other statutory provision, shall continue in effect and be enforced by the commissioner of the department of energy until they expire or are repealed or amended in accordance with applicable law.

192 Repeals. The following are repealed:

I. RSA 4-C:1 through 4-C:10, relative to the office of strategic initiatives.

II. RSA 4-C:36 and 37, relative to state demography.

III. RSA 4-E, relative the state energy strategy.

IV. RSA 6:12, I(b) (79) and (169) relative to office of strategic initiatives revolving funds.

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

193 Chapter Title. Governor's Scholarship Program. Amend the chapter tile of RSA 4-C to read as follows:

CHAPTER 4-C

~~[OFFICE OF STRATEGIC INITIATIVES]~~

GOVERNOR'S SCHOLARSHIP PROGRAM

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

II. The executive departments are as follows:

- (a) The department of administrative services.
- (b) The department of agriculture, markets, and food.
- (c) The department of banking.
- (d) The department of business and economic affairs.
- (e) The department of corrections.
- (f) The department of education.
- (g) The department of employment security.
- (h) The department of energy.**
- ~~[(h)]~~ **(i)** The department of environmental services.
- ~~[(i)]~~ **(j)** The department of health and human services.
- ~~[(j)]~~ **(k)** The department of information technology.
- ~~[(k)]~~ **(l)** The department of insurance.
- ~~[(l)]~~ **(m)** The department of labor.
- ~~[(m)]~~ **(n)** The department of military affairs and veteran services.
- ~~[(n)]~~ **(o)** The department of natural and cultural resources.
- ~~[(o)]~~ **(p)** The department of revenue administration.
- ~~[(p)]~~ **(q)** The department of safety.
- ~~[(q)]~~ **(r)** The department of transportation.

195 Department of Energy; Unclassified Positions Established. The following positions are hereby established in the department of energy, shall be qualified by reason of education and experience, and shall be appointed and perform assigned duties according to applicable law:

<u>Labor Grade</u>	<u>Title</u>	<u>Job Code</u>	<u>Position #</u>
GG	Director of Regulatory Support	9U9962	GV008
GG	Director of Enforcement	9U9963	GV009
GG	Director of Policy & Programs	9U9964	GV010
FF	Director of Offshore Wind	9U9965	GV011
GG	Director of Administration	9U9966	GV012
HH	Deputy Commissioner of Energy	9U9967	GV013
GG	Utility Analyst IV	9U9969	GV014
GG	Utility Analyst IV	9U9970	GV015
GG	Utility Analyst IV	9U9971	GV016
GG	Utility Analyst IV	9U9972	GV017
GG	Utility Analyst IV	9U9973	GV018
GG	Utility Analyst IV	9U9974	GV019
II	Commissioner of Energy	9U9968	GV020

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1 196 New Subdivision; Department of Business and Economic Affairs; Office of Planning and
2 Development. Amend RSA 12-O by inserting after section 52 the following new subdivision:

Office of Planning and Development

4 12-O:53 Office of Planning and Development.

5 I. There is established the office of planning and development within the department of
6 business and economic affairs. The office of shall be under the supervision of a classified director of
7 the office of planning and development, who shall serve under the supervision of the commissioner.

8 II. The office of planning and development shall:

9 (a) Plan for the orderly development of the state and the wise management of the state's
10 resources.

11 (b) Compile, analyze, and disseminate data, information, and research services as
12 necessary to advance the welfare of the state.

13 (c) Encourage and assist planning, growth management, and development activities of
14 cities and towns and groups of cities and towns with the purpose of encouraging smart growth.

15 (d) Encourage the coordination and correlation of state planning by agencies of state
16 government.

17 (e) Participate in interstate, regional, and national planning efforts.

18 (f) Administer federal and state grant-in-aid programs assigned to the office by statute or
19 executive order.

20 (g) Participate and advise in matters of land use planning regarding water resources
21 and floodplain management.

22 (h) Take a leadership role in encouraging smart growth and preserving farmland, open
23 space land, and traditional village centers.

24 (i) Administer the following programs: the statewide comprehensive outdoor recreation
25 plan, the national flood insurance program, and the land conservation investment program. The
26 office shall employ necessary personnel to administer these programs.

27 (j) Perform such other duties as the commissioner may assign.

28 12-O:54 State Development Plan.

29 I. The office of planning and development, under the direction of the commissioner, shall:

30 (a) Assist the commissioner in preparing, publishing, and revising the comprehensive
31 development plan required under RSA 9-A.

32 (b) Coordinate and monitor the planning efforts of various state agencies and
33 departments to ensure that program plans published by such agencies are consistent with the
34 policies and priorities established in the comprehensive development plan.

35 (c) Coordinate and monitor the planning efforts of the regional planning commissions to
36 ensure that the plans published by the commissions are consistent, to the extent practical, with the
37 policies and priorities established in the state development plan.

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1 II. In preparing the state development plan, the office of planning and development shall
2 consult with the chief executive officers of the various departments and agencies of state
3 government. The office shall also consult with officials of regional planning commissions and
4 regional and local planning and development agencies, local officials, representatives of the business
5 and environmental community, and the general public.

6 III. All state agencies and departments shall provide the office of planning and development
7 with information and assistance as required by the office to fulfill its responsibilities under
8 paragraph I. The office shall maintain the confidentiality of any information which is protected by
9 law.

10 12-O:55 Data and Information Services. The office of planning and development shall:

11 I. Gather, tabulate, and periodically publish information on the location and pace of
12 development throughout the state, including, but not limited to, population, housing, and building
13 permit data.

14 II. Initiate data coordination procedures as the state agency responsible for coordinating
15 data collection and dissemination among the state, the private sector, and the various political
16 subdivisions.

17 III. Gather information for storage in a data bank concerning the data which is currently
18 available within all state agencies. This data shall be used to provide information which is useful in
19 measuring growth and its impact and for statewide planning purposes in general. The data
20 available for dissemination shall include, but shall not be limited to, information for determining
21 future demands for state services and demographic and economic statistics. Any other state agency
22 or department which initiates a data collection program shall inform the office of planning and
23 development of its efforts so that the office may utilize that information for planning purposes in its
24 dissemination program.

25 IV. Cooperate with the department of environmental services in identifying potential sites
26 for hazardous waste facilities.

27 V. Develop and maintain a computerized geographic information system in support of state,
28 regional, or local planning and management activities.

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

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

33 12-O:56 Policies and Plans.

34 I. The office of planning and development shall formulate policies and plans for
35 consideration by the commissioner and the governor which serve to integrate and coordinate
36 resource and development activities affecting more than one state agency, level of government, or

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1 governmental function. Such activities may include, but shall not be limited to, the following subject
2 areas:

- 3 (a) Water resources.
- 4 (b) Transportation.
- 5 (c) Recreation and natural resources.
- 6 (d) Solid waste and hazardous waste management.
- 7 (e) Off-shore, coastal, and estuarine resources.
- 8 (f) Housing.
- 9 (g) Economic development.
- 10 (h) Energy.
- 11 (i) Shoreland protection.
- 12 (j) Smart growth.

13 12-O:57 Program Established. The director of the office of planning and development shall
14 establish a program of regional and municipal assistance within the office of planning and
15 development. This program shall coordinate state, regional, and local planning efforts with the goal
16 of assuring delivery of efficient and effective assistance to local governments in areas related to
17 growth management and resource protection.

18 12-O:58 Responsibilities for Assistance. The office of planning and development shall:

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

- 21 (a) Planning assistance to local units of government.
- 22 (b) Preparation of regional plans.
- 23 (c) Contributions to and coordination with statewide planning and management
24 activities, including the formulation and updating of the comprehensive state development plan
25 prepared pursuant to RSA 12-P:54.

26 II. As requested and in cooperation with regional planning commissions, provide technical
27 assistance and information in support of the planning and growth management efforts of local units
28 of government, including training requested under RSA 673:3-a. The office shall encourage
29 municipalities to first seek assistance from established regional planning commissions.

30 III. Provide computer interface capability among and between each regional planning
31 commission, the office of strategic initiatives, and state data collection and storage sources. The
32 computer interface capability shall be used by regional planning commissions to respond to
33 municipal requests for assistance in the preparation and amending of master plans and in the
34 evaluation of municipal infrastructure needs. The computer interface capability shall also be used
35 by regional planning commissions to develop and update regional master plans, as provided in RSA
36 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and

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1 able to interface with the office of planning and development's geographic information system, as
2 well as with other similar state computerized data collection and storage sources.

3 IV. Provide technical assistance and information to municipalities with the cooperation of
4 other state and regional planning agencies in the following areas:

5 (a) Use and application of geographic data available in the state's geographic
6 information system (GIS) for local planning and growth management purposes.

7 (b) Recommending standard procedures for the establishment of accurate, large-scale
8 base mapping to support municipal administrative functions such as tax assessment, public facility
9 management and engineering.

10 12-O:59 Coordination at State Level. The office of planning and development shall coordinate
11 efforts by state agencies to provide technical assistance to municipal governments in areas related to
12 growth management and resource protection.

13 197 State Development Plan. Amend RSA 9-A:2 to read as follows:

14 9-A:2 ~~[Office of Strategic Initiatives]~~ **Office of Planning and Development.** The office of
15 ~~[strategic initiatives]~~ **planning and development**, under the direction of the ~~[governor]~~
16 **commissioner of business and economic affairs**, shall:

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

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

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

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

25 198 State Development Plan; References Changed. Amend RSA 9-A:4 to read as follows:

26 9-A:4 Consultation With Other Agencies.

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

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

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

36 199 Name Change; Office of Planning and Development. Amend the following RSAs by
37 replacing "office of strategic initiatives" with "office of planning and development": RSA 4-F:1; 12-

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G:13; 17-M:2; 21-O:5-a; 21-P:48; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-O:5-a; 126-A:4; 162-C:1; 162-L:15; 162-L:19; 204-C:8; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-G:2; 227-M:4; 233-A:2; 235:23; 238:20; 270:64; 270:71; 432:19; 482-A:32; 483:8; 483:10; 483-A:6; 483-A:7; 483-B:5; 483-B:12; 483-B:16; 483-B:22; 485-A:4; 673:3-a; 674:3; 675:9.

200 Name Change; Department of Energy. Amend the following RSAs by replacing "office of strategic initiatives" with "department of energy": RSA 9-E:5; 12-K:2; 12-K:3; 12-K:6; 12-K:8; 12-K:9; 38-D:6; 147-B:4; 162-H:10; 167:4-c; 369-B:2; 374:22-j.

201 Reference Changed: State Energy Strategy; Offshore Wind Commission. Amend RSA 374-F:10, I to read as follows:

I. There is established a commission to investigate, in parallel with the work of the Gulf of Maine Intergovernmental Renewable Energy Task Force established by the Bureau of Ocean Energy Management (BOEM) study, the economic development opportunities for New Hampshire in supply chain needs, port capabilities, workforce development, energy procurement, transmission and storage, and fisheries and marine environment, to ensure the success of offshore wind in the Gulf of Maine. The commission may consider, at an appropriate time, in relation to the New Hampshire state energy strategy, outlined in RSA [4-E] **12-P**, if contracts with developers and utilities can deliver lower costs to ratepayers. The commission may coordinate with the advisory boards established in Executive Order 2019-06 as to assist the commission in reaching its recommendations.

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

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

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

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

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necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle as follows:

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

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

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

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

363:12-b Prohibition on Future Employment. No commissioner, *or former* executive director, finance director, general counsel, or chief engineer of the commission shall accept any employment with any utility under the control of the commission until one year after he or she shall become separated from the commission.

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

363:16 Quorum. A majority of the commission shall constitute a quorum to issue orders ~~or adopt rules~~, and any hearing ~~or investigation~~ may be held or conducted by 2 commissioners or by a single commissioner.

208 Public Utilities Commission; Request for Full Commission. Amend RSA 363:17 to read as follows:

363:17 Request for Full Commission. No hearing ~~or investigation~~, except in accident cases, shall be held or conducted by a single commissioner if any party whose interests may be affected shall, 5 days before the date of hearing, file a request in writing that the same be held or conducted by the full commission, or a majority thereof. If no such request is filed, the commission may assign one of its members or appoint a qualified member of its staff as examiner to hear the parties, report the facts, and make recommendations to the commission.

209 Repeal. The following are repealed:

I. RSA 363:18-a, relative to the authority of the public utilities commission to contract for power.

II. RSA 363:22-a, relative to pipeline operation safety.

210 Public Utilities Commission; Staff. Amend RSA 363:27 to read as follows:

363:27 Staff~~[- Separation of Functions]~~.

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1 I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the
2 commission shall have the power, subject to the state personnel regulations and within the limits of
3 the appropriation for such purpose, to employ and fix the compensation of such regular staff,
4 including experts, as it shall deem necessary. Notwithstanding any other provision of law, if the
5 expenditure of additional funds over budget estimates is necessary for the proper functioning of the
6 public utilities commission, the governor and council, with the prior approval of the fiscal committee
7 of the general court, upon request from the commission, may authorize an additional assessment
8 pursuant to RSA 363-A for such purpose.

9 II. The staff of the commission shall be organized as the ~~[commission]~~ **chairperson**
10 determines best achieves its statutory responsibilities.

11 III. ~~[Executive Director and General Counsel. The commission shall appoint an executive~~
12 ~~director, who shall serve for a term of 4 years. The commission shall also appoint a general counsel,~~
13 ~~who shall serve for a term of 4 years and until a successor is appointed and qualified.]~~ **"Staff"**
14 **means the employees of the commission and any consultants and other contractors**
15 **retained by the commission for the purpose of assisting the commission and its employees**
16 **in providing advice or information, or for the purpose of supplementing the work of the**
17 **commission and its employees.**

18 ~~[IV. Director of Safety and Security. The commission shall appoint a director of safety and~~
19 ~~security, who shall serve a term of 4 years. The director of safety and security shall be qualified to~~
20 ~~hold that position by reason of education and experience and shall perform such duties as are~~
21 ~~assigned by the chairman of the commission.]~~

22 211 Office of the Consumer Advocate; Attachment to Department of Energy. Amend the
23 introductory paragraph of RSA 363:28, I to read as follows:

24 I. The office of the consumer advocate shall be an independent agency administratively
25 attached to the ~~[public utilities commission]~~ **department of energy** pursuant to RSA 21-G:10. The
26 office shall consist of the following:

27 212 Office of the Consumer Advocate; Attachment to Department of Energy. Amend RSA
28 363:28, III to read as follows:

29 III. The consumer advocate shall have authority to contract for outside consultants within
30 the limits of funds available to the office. With the approval of the fiscal committee of the general
31 court and the governor and council, the office of the consumer advocate may employ experts to assist
32 it in proceedings before the public utilities commission, and may pay them reasonable compensation.
33 The ~~[public utilities commission]~~ **department of energy** shall charge a special assessment for any
34 such amounts against any utility participating in such proceedings and shall provide for the timely
35 recovery of such amounts for the affected utility.

36 213 Repeal. RSA 363:30 through RSA 363:36, relative to participation of staff of the public
37 utilities commission in adjudicative proceedings, are repealed.

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1 214 Public Utilities Commission; Complaints to the Commission. Amend RSA 363:39 to read as
2 follows:

3 363:39 Complaints to the Commission. When complaints to the ~~[public utilities commission]~~
4 **department of energy** are initiated by residential customers, the ~~[commission]~~ **department** shall
5 provide to the consumer advocate access to the complaint, by paper or electronically, with the
6 customer name blocked out, at the same time as the ~~[commission]~~ **department** forwards the
7 complaint to the utility in compliance with ~~[commission]~~ **department** rules.

8 215 Electric Vehicle Charging Stations Infrastructure Commission; Membership. Amend RSA
9 4-G:1, II(a)(1) to read as follows:

10 (1) ~~[Office of strategic initiatives]~~ **Department of energy.**

11 216 Electric Vehicle Charging Stations Infrastructure Commission; Duties. Amend RSA 4-G:1,
12 III(f) to read as follows:

13 (f) Changes needed to state laws, rules, and practices, including building codes,
14 **department of energy rules**, and public utilities commission rules, to further the development of
15 zero emission vehicle technology and infrastructure.

16 217 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. Amend
17 RSA 6:12-b to read as follows:

18 6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On
19 request of the ~~[public utilities commission]~~ **department of energy**, the state treasurer shall
20 maintain custody over funds collected by order of the public utilities commission consisting of only
21 that portion of the system benefits charge directly attributable to programs for low income customers
22 as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this
23 section shall be kept separate from any other funds and shall be administered in accordance with
24 terms and conditions established by the ~~[public utilities commission]~~ **department of energy**. Plans
25 for the administration of such funds shall be approved by the fiscal committee of the general court
26 and the governor and council prior to submission to the ~~[public utilities commission]~~ **department of**
27 **energy**. Appropriations and expenditures of such funds in fiscal years 2002 and 2003 shall be
28 approved by the fiscal committee of the general court and the governor and council prior to
29 submission to the ~~[public utilities commission]~~ **department of energy**. For each biennium
30 thereafter, appropriations and expenditures of such funds shall be made through the biennial
31 operating budget.

32 218 Energy Efficiency and Clean Energy Districts. Amend RSA 53-F:6, I to read as follows:

33 I. Improvements financed pursuant to an agreement under this chapter shall be based upon
34 an audit performed by a person who has been certified as a building analyst by the Building
35 Performance Institute or who has obtained other appropriate certification as determined by the
36 ~~[public utilities commission]~~ **department of energy** or another appropriate New Hampshire-based
37 entity. The audit shall identify recommended energy conservation and efficiency and clean energy

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1 improvements; provide the estimated energy cost savings, useful life, benefit-cost ratio, and simple
2 payback or return on investment for each improvement; and provide the estimated overall difference
3 in annual energy costs with and without recommended improvements. Financed improvements
4 shall be consistent with the audit recommendations. The cost of the audit may be included in the
5 total amount financed under this chapter.

6 219 Enhanced 911 Commission; Membership. Amend the introductory paragraph of RSA 106-
7 H:3, I(a) to read as follows:

8 (a) There is hereby established an enhanced 911 commission consisting of 19 members,
9 including the director of the division of fire standards and training and emergency medical services
10 or designee, the ~~chairman of the public utilities commission~~ **commissioner of the department of**
11 **energy** or designee, the commissioner of the department of safety or designee, a public member, a
12 police officer experienced in responding to emergency calls, a representative of the disabled
13 community, and one active member recommended by each of the following organizations, nominated
14 by the governor with the approval of the council:

15 220 Energy Efficiency and Sustainable Energy Board; Membership. Amend RSA 125-O:5-a,
16 II(b) to read as follows:

17 II. The members of the board shall be as follows:

18 (a) The chairman of the public utilities commission, or designee.

19 (b) The ~~director of the office of strategic initiatives~~ **commissioner of the department**
20 **of energy**, or designee.

21 (c) The consumer advocate, or designee.

22 (d) The commissioner of the department of environmental services, or designee.

23 (e) The commissioner of the department of business and economic affairs, or designee.

24 (f) The president of the Business and Industry Association of New Hampshire, or
25 designee.

26 (g) The executive director of the New Hampshire Municipal Association, or designee.

27 (h) The executive director of New Hampshire Legal Assistance, or designee.

28 (i) The president of the Homebuilders ampersand Remodelers Association of New
29 Hampshire, or designee.

30 (j) Two members of the house science, technology and energy committee appointed by
31 the speaker of the house of representatives.

32 (k) One member of the senate energy, environment and economic development
33 committee, appointed by the president of the senate.

34 (l) Three representatives from not-for-profit groups representing energy, environmental,
35 consumer, or public health issues and knowledgeable in energy conservation policies and programs,
36 appointed by the ~~chairman of the public utilities commission~~ **commissioner of the department of**
37 **energy**.

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(m) The commissioner of the department of administrative services, or designee.

(n) The state fire marshal, or designee.

(o) The executive director of the New Hampshire housing finance authority, or designee.

III. The board shall include, as nonvoting participants, the following:

(a) One representative from each utility-administered electric and natural gas energy efficiency program appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of the department of energy**.

(b) A representative of energy services companies delivering energy efficiency services to residential and business customers, appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of the department of energy**.

(c) A representative of a business or association of businesses selling or installing sustainable or renewable energy systems, appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of the department of energy**.

(d) A representative from the investment community with expertise in efficiency investments and financing, appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of the department of energy**.

IV. The chairman of the public utilities commission shall call the first meeting of the board. The board shall elect a chairperson from among its members. Seven members of the board shall constitute a quorum. The board shall make an annual report on December 1 to the governor, the speaker of the house of representatives, the president of the senate, the house science, technology and energy committee, the senate energy, environment and economic development committee, **the department of energy**, and the public utilities commission, to provide an update on its activities and recommendations for action including possible legislation.

V. The board shall be administratively attached to the ~~[public utilities commission]~~ **department of energy** under RSA 21-G:10.

221 State Building Code Review Board; Membership. Amend RSA 155-A:10, I(k) to read as follows:

(k) One representative from the New Hampshire ~~[public utilities commission]~~ **department of energy**, nominated by the ~~[chairman of the commission]~~ **commissioner of the department of energy**.

222 New Hampshire Building Code; Energy Code Compliance Form. Amend RSA 155-A:10-a to read as follows:

155-A:10-a Energy Code Compliance Form. The state building code review board shall prescribe by rule and make available to the public, in electronic formats, a simplified residential energy code compliance form based upon the energy provisions in the International Residential Code and the International Energy Conservation Code identified in RSA 155-A:1. The correctly completed form shall be accepted by all code enforcement authorities within the state of New Hampshire as one

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1 method of verification that the applicable project meets the code requirements. Completed
2 compliance forms shall be submitted to the building official in those municipalities that have
3 adopted an enforcement mechanism under RSA 674:51. For municipalities without an adopted code
4 enforcement mechanism, completed compliance forms shall be submitted to the New Hampshire
5 ~~[public utilities commission]~~ **department of energy**, on behalf of the building code review board, for
6 verification that the applicable project meets the code requirements. The ~~[public utilities~~
7 ~~commission]~~ **department of energy** shall then forward the reviewed compliance forms to the
8 municipality for retention in property records.

9 223 Conduct of Studies Concerning Changes in Laws and Regulations with a View to Atomic
10 Development. Amend RSA 162-B:3, IV to read as follows:

11 IV. The public utilities commission **and the department of energy**, particularly as to the
12 transportation of special nuclear materials and by-product materials by common carriers or public or
13 private air carriers not in interstate commerce and as to the participation by public utilities subject
14 to ~~[its]~~ **their** jurisdiction in projects looking to the development of production or utilization facilities
15 for industrial or commercial use.

16 224 Nuclear Decommissioning Financing Committee; Membership. Amend RSA 162-F:15, II to
17 read as follows:

18 II. Each committee shall consist of one person who is a resident of the town or city in which
19 the facility is located and who shall be appointed by the selectmen of the town or the mayor and
20 council of the city, the chairman of the public utilities commission, **the commissioner of the**
21 **department of energy**, one senator, to be appointed by the senate president, one house member, to
22 be appointed by the speaker of the house of representatives, the state treasurer or designee, the
23 commissioner of the department of health and human services or designee, the commissioner of the
24 department of safety or designee, and the director of the governor's office of energy and community
25 services or designee.

26 225 Organization of Nuclear Decommissioning Financing Committees. Amend RSA 162-F:17, I
27 to read as follows:

28 I. The temporary chairman of each committee formed, who shall be the ~~[chairman of the~~
29 ~~public utilities commission]~~ **commissioner of the department of energy**, shall call an
30 organizational meeting within 90 days of formation. At the organizational meeting, the committee
31 shall select a chairman to serve for a 3-year term, elect such other officers as the members shall
32 determine, and establish a schedule of meetings for determining the requirements of the
33 decommissioning fund.

34 226 Decommissioning of Nuclear Electric Generating Facilities; Report; Public Hearing. Amend
35 RSA 162-F:21, III-IV to read as follows:

36 III. Each committee shall rely on all available data and experience in determining the
37 amount of such fund including, but not limited to, information from the Nuclear Regulatory

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Commission; the public utilities commission; ***the department of energy***, the owner or owners of the facility; municipal and regional planning commissions and municipal governing bodies; and relevant construction cost indices. The committee shall publish a transcript of all proceedings during which information was presented or offered into testimony, and a detailed analysis of the facts and figures used in determining the amount of the fund.

IV. Following the committee's deliberation and prior to final hearing, the plan for scheduled payments into the fund and relevant evidence, including the transcripts and analysis published pursuant to RSA 162-F:21, III, shall be available for public review in the clerk's office of the city or town where the facility is located and in the office of the ~~[public utilities commission]~~ ***department of energy*** at least 30 days prior to the one or more public hearings on the committee's proposed plan. At least one hearing shall be held in the city or town where the facility is located. A notice of the time and place of each hearing shall be posted in 2 appropriate public places in the city or town where the facility is located and shall be printed at least twice in a newspaper of general circulation for that city or town and in a newspaper of state-wide circulation 2 weeks prior to each hearing. Testimony presented at the hearings held pursuant to this paragraph shall be taken into consideration by the committee when it formalizes the payment schedule plan. All testimony shall be transcribed and made a permanent record.

227 Site Evaluation Committee; Membership; Administrative Attachment. Amend RSA 162-H:3, I-IV to read as follows:

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee consisting of [9] ***10*** members, as follows:

(a) The commissioners of the public utilities commission, the chairperson of which shall be the chairperson of the committee;

(b) The commissioner of the department of environmental services, who shall be the vice-chairperson of the committee;

(c) The commissioner of the department of business and economic affairs or designee;

(d) The commissioner of the department of transportation;

(e) The commissioner of the department of natural and cultural resources, the director of the division of historical resources, or designee; ~~and~~

(f) Two members of the public, appointed by the governor, with the consent of the council, in accordance with RSA 162-H:4-b, III[-]; ***and***

(g) The commissioner of the department of energy.

II. All members, including those who sit for a member recused under paragraph VI, shall refrain from ex parte communications regarding any matter pending before the committee. This prohibition shall extend to those who sit on any subcommittee formed under RSA 162-H:4-a.

III. Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business.

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1 IV. The committee shall be administratively attached to the ~~[public utilities commission]~~
2 ***department of energy*** pursuant to RSA 21-G:10.

3 228 Minimum Energy Efficiency Standards for Certain Products; Definitions. Amend RSA 339-
4 G:1, II to read as follows:

5 II. ~~["Commission" means the public utilities commission.]~~ ***"Department" means the***
6 ***department of energy.***

7 229 Reference Change; Minimum Energy Efficiency Standards for Certain Products;
8 Department. Amend the following RSA provisions by replacing the term "commission" with
9 "department": 339-G:3, II(b), 339-G:4, II, 339-G:5, 339-G:6, 339-G:7, 339-G:8, 339-G:9.

10 230 Gas Companies; When Public Utilities. Amend RSA 362:4-b, III to read as follows:

11 III. Nothing in this section prevents the ~~[commission]~~ ***department of energy*** from
12 monitoring or enforcing the provisions of federal pipeline safety standards relative to liquefied
13 petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act.

14 231 New Paragraph; Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-
15 A:1-a by inserting after paragraph II-d the following new paragraph:

16 II-e. "Department" means the New Hampshire department of energy.

17 232 Reference Change; Net Energy Metering; Department of Energy. Amend the following RSA
18 provisions by replacing the term "commission" with "department": 362-A:9, X-XII.

19 233 Net Energy Metering. Amend RSA 362-A:9, XIV to read as follows:

20 XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing
21 or otherwise controlling the energy costs of a group of customers who are not customer-generators.
22 The group of customers shall be located within the service territory of the same electric distribution
23 utility as the host. The host shall provide a list of the group members to the commission and the
24 electric distribution utility and shall certify that all members of the group have executed an
25 agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility
26 and that the total historic annual load of the group members together with the host exceeds the
27 projected annual output of the host's facility. The ~~[commission]~~ ***department*** shall verify that these
28 group requirements have been met and shall register the group host. The ~~[commission]~~ ***department***
29 shall establish the process for registering hosts, including periodic re-registration, and the process by
30 which changes in membership are allowed and administered. Net metering tariffs under this section
31 shall not be made available to a customer-generator group host until such host is registered by the
32 ~~[commission]~~ ***department.***

33 (b) Except as provided in subparagraph (c), the provisions of this section shall apply to a
34 group host as a customer-generator.

35 (c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at
36 the end of each billing cycle at rates consistent with the credit the group host receives relative to its
37 own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be

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1 applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on
2 the customer electric bill for each member and the host, with the utility being allowed the most cost-
3 effective method of doing so according to an amount or percentage specified for each member on PUC
4 form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition
5 from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate
6 income community solar projects, as defined in RSA 362-F:2, X-a. On or before July 1, 2022, the
7 ~~[commission]~~ **department** shall report on the costs and benefits of such an addition and the
8 development of the market for low-moderate income community solar projects, and provide a
9 recommendation on whether the addition shall be increased or decreased. The ~~[commission]~~
10 **department** shall report on the costs and benefits of low-moderate income community solar projects,
11 as defined in RSA 362-F:2, X-a on or before June 1, 2020. The ~~[commission]~~ **department** shall
12 authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2,
13 X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for
14 all group host systems except for residential systems with an interconnected capacity under 15
15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus
16 generation for which it was paid is greater than the group's total electricity usage during the same
17 time period. The adjustment shall be such that the resulting compensation to the host for the
18 amount that exceeded the group's total usage shall be at the utility's avoided cost or its default
19 service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be
20 applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

21 (d) [Repealed.]

22 (e) The **department is authorized to petition the** ~~commission [is authorized]~~ to assess
23 fines against, revoke the registration of, and prohibit from doing business in the state, any group
24 host which violates the requirements of this paragraph and rules adopted pursuant to this
25 paragraph. **The commission is authorized to grant or deny such petitions.**

26 234 Repeal. RSA 362-F:2, IV, relative to the definition of "commission" as it pertains to electric
27 renewable portfolio standards, is repealed.

28 235 Electric Renewable Energy Classes; Reference Changed. Amend RSA 362-F:4, I(i)-(k) to
29 read as follows:

30 (i) The incremental new production of electricity in any year from an eligible biomass or
31 methane source or any hydroelectric generating facility licensed or exempted by Federal Energy
32 Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical
33 generation baseline, provided the ~~[commission]~~ **department of energy** certifies demonstrable
34 completion of capital investments attributable to the efficiency improvements, additions of capacity,
35 or increased renewable energy output that are sufficient to, were intended to, and can be
36 demonstrated to increase annual renewable electricity output. The determination of incremental

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1 production shall not be based on any operational changes at such facility but rather on capital
2 investments in efficiency improvements or additions of capacity.

3 (j) The production of electricity from a class III or IV source that has begun operation as
4 a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and
5 equipment, but not its property and intangible assets, is derived from capital investment directly
6 related to restoring generation or increasing capacity including department permitting requirements
7 for new plants. Such production shall not qualify for class III or IV certificates. Commencing July 1,
8 2013, a class III source eligible as a class I source under this subparagraph or subparagraph (i) may
9 submit a notice to the ~~[commission]~~ **department of energy** electing to be a class III source instead
10 of a class I source. Once such notice is given, the production from such a source shall qualify for
11 class III certificates, provided the source meets the other requirements of a class III eligible biomass
12 technology.

13 (k) The production of electricity from any fossil-fueled generating facility that originally
14 commenced operation prior to January 1, 2006, if after January 1, 2012 such facility co-fires with
15 class I eligible biomass fuels to displace the combustion of an amount of fossil fuels. The portion of
16 the total electrical energy output that qualifies as class I from a facility in a given time period shall
17 be the fraction of electrical production derived from the combustion of biomass fuels based on the
18 heat input at the facility in that time period as determined by the ~~[commission]~~ **department of**
19 **energy** in consultation with the department. To qualify under this paragraph, the electricity
20 generation facility that co-fires with biomass fuels shall:

21 (1) Either have a quarterly average nitrogen oxide (NOx) emission rate, as measured
22 and verified under RSA 362-F:12, of less than or equal to 0.075 pounds/million British thermal units
23 (lbs/Mmbtu) or be a participant in a plan approved by the department for reductions in NOx from
24 other emission sources. The quantity of reductions required shall be the fraction of electrical
25 production derived from the combustion of biomass fuels, as determined under this paragraph,
26 multiplied by the difference between the generation unit's NOx emissions rate and the 0.075
27 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or individually, in NOx
28 emissions from other emission sources under the jurisdiction of the department and demonstrate
29 that the reductions will be quantifiable. The department shall expeditiously review the plan and, if
30 approved, provide such information as it deems relevant to the ~~[commission]~~ **department of energy**.
31 The application submitted to the ~~[commission]~~ **department of energy** under RSA 362-F:11 shall
32 inform the ~~[commission]~~ **department of energy** of the plan and the ~~[commission]~~ **department of**
33 **energy** shall certify the source in accordance with the plan approved by the department; and

34 (2) Either have an average particulate emission rate, as measured and verified
35 under RSA 362-F:12, of less than or equal to 0.02 lbs/Mmbtu or be a participant in a plan approved
36 by the department for reductions in particulate matter emissions from emission sources owned by or
37 affiliated with the co-firing entity. The quantity of reductions required shall be the fraction of

1 electrical production derived from the combustion of biomass fuels, as determined under this
2 paragraph, multiplied by the difference between the generation unit's particulate matter emissions
3 rate and the 0.02 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or
4 individually, in particulate matter emissions from other emission sources under the jurisdiction of
5 the department and demonstrate that the reductions will be quantifiable. The department shall
6 expeditiously review the plan and, if approved, provide such information as it deems relevant to the
7 ~~[commission]~~ **department of energy**. The application submitted to the ~~[commission]~~ **department**
8 **of energy** under RSA 362-F:11 shall inform the commission of the plan and the commission shall
9 certify the source in accordance with the plan approved by the department.

10 236 Electric Renewable Energy Classes; Reference Change. Amend RSA 362-F:4, IV-VI to read
11 as follows:

12 IV.(a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from
13 hydroelectric energy, provided the facility:

14 (1) Began operation prior to January 1, 2006;

15 (2) When required, has documented applicable state water quality certification
16 pursuant to section 401 of the Clean Water Act for hydroelectric projects; and

17 (3) Either:

18 (A) Has a total nameplate capacity of 5 MWs or less as measured by the sum of
19 the nameplate capacities of all the generators at the facility and has actually installed both
20 upstream and downstream diadromous fish passages and such installations have been approved by
21 the Federal Energy Regulatory Commission, or;

22 (B) Has a total nameplate capacity of one MW or less as measured by the sum of
23 the nameplate capacities of all generators at the facility, is in compliance with applicable Federal
24 Energy Regulatory Commission fish passage restoration requirements, and is interconnected with
25 an electric distribution system located in New Hampshire.

26 (b)(1) Notwithstanding subparagraph (a), the ~~[commission]~~ **department of energy** shall
27 re-certify as class IV renewable energy sources the facilities named in **public utilities** commission
28 order numbers 24,940 and 24,952. These facilities are:

29 (A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities owned
30 by Public Service Company of New Hampshire, which had been previously certified by the **public**
31 **utilities** commission on September 23, 2008; and

32 (B) The North Gorham and Bar Mills projects owned by FPL Energy Maine
33 Hydro, LLC which had been previously certified by the **public utilities** commission on October 30,
34 2008.

35 (2) These facilities shall not qualify or be certified as class IV renewable energy
36 sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such facilities
37 shall be eligible for class IV renewable energy certificates for all electricity generated between the

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1 effective date of each facility's original certification by the *public utilities* commission through
2 March 23, 2009. Such certificates shall have the same validity as any other class IV certificate
3 issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.

4 V. For good cause, and after notice and hearing, the commission may accelerate or delay by
5 up to one year, any given year's incremental increase in class I or II renewable portfolio standards
6 requirement under RSA 362-F:3.

7 VI. After notice and hearing, the ~~[commission]~~ **department of energy** may modify the class
8 III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years
9 beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent
10 and 95 percent of the reasonably expected potential annual output of available eligible sources after
11 taking into account demand from similar programs in other states.

12 237 Renewable Energy Certificates. Amend RSA 362-F:6, V to read as follows:

13 V. A qualified producer of useful thermal energy shall provide for the metering of useful
14 thermal energy produced in order to calculate the quantity of megawatt-hours for which renewable
15 energy certificates are qualified, and to report to the ~~[public utilities commission]~~ **department of**
16 **energy** under rules adopted pursuant to RSA 362-F:13. Monitoring, reporting, and calculating the
17 useful thermal energy produced in each quarter shall be expressed in megawatt-hours, where each
18 3,412,000 BTUs of useful thermal energy is equivalent to one megawatt-hour.

19 238 Electric Renewable Portfolio Standard; Information Collection; Reference Change. Amend
20 RSA 362-F:8 to read as follows:

21 362-F:8 Information Collection.

22 I. By July 1 of each year, each provider of electricity shall submit a report to the
23 ~~[commission]~~ **department of energy**, in a form approved by the ~~[commission]~~ **department of**
24 **energy**, documenting its compliance with the requirements of this chapter for the prior year. The
25 ~~[commission]~~ **department of energy** may investigate compliance and collect any information
26 necessary to verify and audit the information provided to the ~~[commission]~~ **department of energy**
27 by providers of electricity.

28 II. The ~~[commission]~~ **department of energy** shall adopt rules governing the reporting
29 requirements under paragraph I that are designed to minimize the administrative costs and burden
30 on electricity providers.

31 III. Beginning October 1, 2019 and by October 1 of each subsequent year, the ~~[commission]~~
32 **department of energy** shall disclose the information collected under paragraph I as public
33 information in the ~~[commission's]~~ **department of energy** annual report pursuant to RSA 362-F:10,

34 IV. No information shall be disclosed to the public that is confidential as defined by ~~[public utilities~~
35 ~~commission]~~ **department of energy** or NEPOOL Generation Information System rules.

36 IV. The ~~[commission]~~ **department of energy** shall provide as part of the annual renewable
37 energy fund report, pursuant to RSA 362-F:10, IV, renewable portfolio standard compliance costs

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1 and average electric rate impact; renewable energy certificate versus alternative compliance
2 payments comparison; and alternative compliance payments by class and provider of electricity. The
3 report shall also include the number of renewable energy certificates that were purchased during the
4 prior compliance year by class.

5 V. The ~~[commission]~~ **department of energy** shall complete the rulemaking process and
6 submit requests to the administrator of the NEPOOL Generation Information System that are
7 necessary to implement this section no later than April 1, 2019.

8 239 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10 to
9 read as follows:

10 362-F:10 Renewable Energy Fund.

11 I. There is hereby established a renewable energy fund. This special fund shall be
12 nonlapsing. The state treasurer shall invest the moneys deposited therein as provided by law.
13 Income received on investments made by the state treasurer shall also be credited to the fund. All
14 payments to be made under this section shall be deposited in the fund. Any remaining moneys paid
15 into the fund under paragraph II of this section, excluding class II moneys, shall be used by the
16 ~~[commission]~~ **department of energy** to support thermal and electrical renewable energy initiatives.
17 Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All
18 initiatives supported out of these funds shall be subject to audit by the ~~[commission]~~ **department of**
19 **energy** as deemed necessary. All fund moneys including those from class II may be used to
20 administer this chapter, but all new employee positions shall be approved by the fiscal committee of
21 the general court. No new employees shall be hired by the ~~[commission]~~ **department of energy** due
22 to the inclusion of useful thermal energy in class I production.

23 II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the
24 extent sufficient certificates are not otherwise available at a price below the amounts specified in
25 this paragraph, an electricity provider may, at the time of report submission for that year under RSA
26 362-F:8, make payment to the ~~[commission]~~ **department of energy** at the following rates for each
27 megawatt-hour not met for a given class obligation through the acquisition of certificates:

28 (a) Class I-\$55, except for that portion of the class electric renewable portfolio standards
29 to be met by qualifying renewable energy technologies producing useful thermal energy under RSA
30 362-F:3 which shall be \$25 beginning January 1, 2013.

31 (b) Class II-\$55.

32 (c) Class III-\$31.50.

33 (d) Class IV-\$26.50.

34 III.(a) Beginning in 2013, the ~~[commission]~~ **department of energy** shall adjust these rates
35 by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor
36 Statistics of the United States Department of Labor for classes III and IV and 1/2 of such Index for
37 classes I and II.

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(b) In lieu of the adjustments under subparagraph (a) for class III in 2015 and 2016, the class rate in each of those years shall be \$45. In lieu of the adjustments under subparagraph (a) for class III in 2017, 2018, and 2019, the class rate in each of those years shall be \$55.

(c) By January 31, 2020 the ~~[commission]~~ **department of energy** shall compute the 2020 class III rate to equal the rate that would have resulted in 2020 by the application of subparagraph (a) to the 2013 rate and each subsequent year's rate to 2020.

(d) In 2021 and thereafter, the class III rate shall be determined by application of subparagraph (a) to the prior year's rate.

IV. The ~~[commission]~~ **department of energy** shall make an annual report by October 1 of each year, beginning in 2009, to the legislative oversight committee to monitor the transformation of delivery of electric services established under RSA 374-F:5, the house science, technology and energy committee, and the senate energy and natural resources committee detailing how the renewable energy fund is being used and any recommended changes to such use. The report shall also include information on the total peak generating capacity that is net energy metered under RSA 362-A:9 within the franchise area of each electric distribution utility, and the percentage this represents of the amount that is allowed to be net metered within each franchise area. Information shall be provided on net metered group host registrations and the associated customer groups, including number and location of group host facilities, generation by renewable source and size of facility, and group load served by such facilities.

V. The ~~[public utilities commission]~~ **department of energy** shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II source of electricity, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

VI. Such payments shall be allocated from the renewable energy fund established in paragraph I, as determined by the ~~[commission]~~ **department of energy** to the extent funding is available up to a maximum aggregate payment of 40 percent of the fund over each 2-year period commencing July 1, 2010.

VII. The ~~[commission]~~ **department of energy** shall, after notice and hearing, by order or rule establish an application process for the incentive payment program established under paragraph V. The application process shall include verification of costs for parts and labor, certification that the equipment used meets the applicable safety standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating agency, and that the facility meets local zoning regulations, and receives any required inspections.

VIII. The ~~[commission]~~ **department of energy** may, after notice and hearing, by order or rule, establish additional incentive or rebate programs and competitive grant opportunities for renewable thermal and electric energy projects sited in New Hampshire.

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IX. For good cause the ~~[commission]~~ **department of energy** may, after notice and hearing, by order or rule, modify the program, including reducing the incentive level, created under RSA 362-F:10, V.

X. Consistent with RSA 362-F:10, VI, the ~~[commission]~~ **department of energy** shall, over each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended, allocated, or obligated from the fund, net of administrative expenditures, between residential and nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects in the residential sector shall be in approximate proportion to the amount of electricity sold at retail to that sector in New Hampshire, and the remaining funds from the renewable energy fund shall be awarded to projects in the nonresidential sector which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire, provided no less than 15 percent of the funds shall annually benefit low-moderate income residential customers, including, but not limited to, the financing or leveraging of financing for low-moderate income community solar projects in manufactured housing communities or in multi-family rental housing.

XI. The ~~[commission]~~ **department of energy** shall issue requests for proposals that provide renewable projects in the nonresidential sector, which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire, with opportunities to receive funds from the renewable energy fund established under RSA 362-F:10. The requests for proposals shall provide such opportunities to those renewable energy projects that are not eligible to participate in incentive and rebate programs developed by the ~~[commission]~~ **department of energy** under RSA 362-F:10, V and RSA 362-F:10, VIII. The ~~[commission]~~ **department of energy** shall issue a request for proposals no later than March 1, 2011 and annually thereafter, and select winning projects in a timely manner.

240 References Change; Electric Renewable Portfolio Standards; Department of Energy. Amend the following RSA provisions by replacing "commission" with "department of energy": 362-F:5, 362-F:6, I-IV, 362-F:9, 362-F:11, 362-F:12, 362-F:13, 362-F:14.

241 Expenses of the Public Utilities Commission Against Certain Utilities. Amend RSA 363-A:1 to read as follows:

363-A:1 Ascertainment of Expenses. The ~~[public utilities commission]~~ **department of energy** shall annually, after the close of the fiscal year, ascertain the total of its expenses **attributable to support of the public utilities commission and to performance of all duties and responsibilities transferred to the department from the public utilities commission, in addition to the total of the public utilities commission's expenses** during such year incurred in the performance of its duties relating to public utilities as defined in RSA 362 and other entities subject to its regulatory and enforcement authority and relating to the office of the consumer advocate. In the determination of such expenses there shall be excluded the expenses which have

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1 been or may be charged and recovered under the provisions of RSA 365:37, RSA 365:38, and RSA
2 374-F:7, I.

3 242 Expenses of Public Utilities Commission Against Certain Utilities; Assessment. Amend
4 RSA 363-A:2, III-IV to read as follows:

5 III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an
6 annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of energy**. Each
7 electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of
8 \$2,000 on an annual basis and shall pay such assessed sum to the commission. Each
9 telecommunications carrier voluntarily registered with the commission shall be assessed the sum of
10 \$1,000 on an annual basis and shall pay such sum to the ~~[commission]~~ **department of energy**.

11 IV. The expenses of the ~~[commission]~~ **department of energy and the public utilities**
12 **commission**, less the total of the assessed sums paid ~~[to the commission]~~ pursuant to paragraph III,
13 shall be allocated to each utility and other assessed entity in direct proportion as the revenue
14 calculation for such utility or other assessed entity relates to the total of all such revenue
15 calculations as a whole, except as otherwise provided in paragraph V. Each such expense allocation
16 shall be assessed against each public utility and other assessed entity in an amount equal to its
17 proportionate share as determined under this section, except that the expense allocation attributed
18 to each entity described in subparagraph I(e) shall be imputed to and included in the expense
19 allocation to each electric or natural gas distribution utility or rural electric cooperative for which a
20 certificate of deregulation is on file with the commission, in correspondence to the revenue portion
21 reported pursuant to paragraph II as having been received from the distribution customers of such
22 distribution utility or the members of such rural electric cooperative for which a certificate of
23 deregulation is on file with the commission.

24 243 Expenses of Public Utilities Commission Against Certain Utilities; Certification of
25 Assessment; Collection. Amend RSA 363-A:3 and RSA 363-A:4 to read as follows:

26 363-A:3 Certification of Assessment. It shall be the duty of the ~~[public utilities commission]~~
27 **department of energy** to calculate the amount to be assessed against each such public utility and
28 each other entity subject to assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the
29 beginning of each fiscal year, the ~~[public utilities commission]~~ **department of energy** shall estimate
30 ~~[its]~~ **the** total expenses for the fiscal year, and then, based on such estimate, shall calculate the
31 amount to be assessed quarterly on August 10, October 15, January 15, and April 15 of that fiscal
32 year, against each such public utility and other assessed entity in accordance with RSA 363-A:1 and
33 RSA 363-A:2. The ~~[public utilities commission]~~ **department of energy** shall then make a list
34 showing the amount due on August 10, October 15, January 15, and April 15 of that fiscal year from
35 each of the several public utilities and other entities assessed under the provisions hereof, and,
36 together with a statement of the full name and mailing address of each such public utility and other
37 assessed entity, shall certify the same. After the close of each fiscal year, the ~~[public utilities~~

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1 ~~commission~~ **department of energy** shall ascertain [its] **the** actual total expenses in accordance
2 with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the assessment for the first quarterly
3 payment of the new fiscal year for each such public utility or other assessed entity for any
4 underpayment or overpayment by each such public utility or other assessed entity for the prior fiscal
5 year.

6 363-A:4 Collection. Upon the completion of each such list, on or before August 10, October 10,
7 January 10, and April 10 of each fiscal year, the ~~[public utilities commission]~~ **department of energy**
8 shall bill each public utility and each other entity subject to assessment for the quarterly amount
9 assessed against it within 10 working days. Such bill shall be sent registered mail, and shall
10 constitute notice of assessment and demand for payment. Payment shall be made to the ~~[public~~
11 ~~utilities commission]~~ **department of energy** within 30 days after the receipt of the bill. After the
12 expiration of 30 days from the receipt of an original bill, the ~~[public utilities commission]~~
13 **department of energy** may add to the assessment a late penalty fee and may commence an action
14 at law for the recovery of the assessment. Within 30 days of the assessment for the first quarterly
15 payment, each public utility or other assessed entity which has any objection to the amount assessed
16 against it for the prior fiscal year shall file with the ~~[commission]~~ **department** its objection in
17 writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive,
18 erroneous, unlawful, or invalid. If such objections are filed, the ~~[commission]~~ **department**, after
19 reasonable notice to the objecting public utility or other assessed entity, shall hold a hearing on such
20 objections, and if the ~~[commission]~~ **department** finds that said assessment or any part thereof is
21 excessive, erroneous, unlawful, or invalid, the ~~[commission]~~ **department** shall reassess the amount
22 to be paid by such public utility or other assessed entity, and shall order that an amended bill be
23 sent to such public utility or other assessed entity in accordance with such reassessment. The
24 ~~[public utilities commission]~~ **department of energy** shall not commence an action at law for
25 recovery of any assessment for the first quarterly payment until any such objection has been
26 resolved.

27 244 Public Utility Recovery of Assessment Costs. Amend RSA 363-A:6, I to read as follows:

28 I. Assessment amounts determined with reference to the revenues of competitive electric
29 power suppliers and all assessments against regulated electric distribution utilities and electric
30 cooperatives for which a certificate of deregulation is on file with the ~~[commission]~~ **department**
31 shall be collected from electric customers through the distribution rates of the respective electric
32 distribution utility or rural electric cooperative for which a certificate of deregulation is on file with
33 the ~~[commission]~~ **department**; provided that an amount equal to the amount assessed directly to a
34 competitive electric power supplier under RSA 363-A:2, III shall be collected from the energy service
35 or default service customers of each electric distribution utility or rural electric cooperative for which
36 a certificate of deregulation is on file with the ~~[commission]~~ **department**.

37 245 Municipal Utilities. Amend RSA 364:1-3 to read as follows:

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1 364:1 Submission of Plan to [~~Public Utilities Commission~~] **Department of Energy**. Before any
2 town, village district or precinct shall vote to appropriate money or issue bonds or notes for the
3 acquisition of any existing public utility, or for the construction of a public utility, or for the
4 reconstruction or enlarging of a municipally owned utility, the selectmen of the town or the
5 commissioners of the village district or the commissioners of any precinct may submit, and upon
6 written application of 50 or more qualified voters or 1/4 of the qualified voters of said town, district
7 or precinct, shall submit to the [~~public utilities commission~~] **department of energy** the general
8 details of the plan and the amount proposed to be expended together with engineering plans and
9 specifications.

10 364:2 Hearing. Said [~~commission~~] **department** shall after notice hold a public hearing at which
11 time it shall receive evidence from any interested parties, and shall on its own motion investigate
12 the public need for such acquisition, construction, reconstruction or enlarging and the feasibility of
13 said proposed plan.

14 364:3 Findings. Said [~~commission~~] **department** shall, within 30 days after said hearing, issue a
15 report which shall contain its findings on said plan as proposed, with the reasons therefor, and shall
16 cause it to be published in a newspaper of general circulation in said town, and shall also submit a
17 copy of said report to the selectmen or precinct commissioners of said town, village district or
18 precinct. Before any vote is taken by said town, village district or precinct to appropriate money or
19 issue bonds or notes for any of the purposes mentioned in RSA 364:1, said findings of the [~~public~~
20 ~~utilities commission~~] **department of energy** shall be read to the meeting by the moderator or the
21 chairman.

22 246 Complaints to and Proceedings Before the Department of Energy and the Commission.
23 Amend the chapter title of RSA 365 to read as follows: Amend the chapter title of RSA 365 to read as
24 follows:

25 COMPLAINTS TO[~~]~~ **THE DEPARTMENT OF ENERGY**
26 AND PROCEEDINGS BEFORE[~~]~~ THE COMMISSION

27 247 Complaint Against Public Utilities. Amend RSA 365:1 to read as follows:

28 365:1 Complaint Against Public Utilities. Any person may make complaint to the [~~commission~~]
29 **department of energy** by petition setting forth in writing any thing or act claimed to have been
30 done or to have been omitted by any public utility in violation of any provision of law, or of the terms
31 and conditions of its franchises or charter, or of any order of the commission.

32 248 Complaints to the Department of Energy and Proceedings Before the Commission. Amend
33 RSA 365:2 through RSA 365:7 to read as follows:

34 365:2 Order. Thereupon the [~~commission~~] **department of energy** shall cause a copy of said
35 complaint to be forwarded to the public utility complained of, which may be accompanied by an
36 order, requiring that the matters complained of be satisfied, or that the charges be answered in
37 writing within a time to be specified by the [~~commission~~] **department**.

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1 365:3 Reparation. If the public utility complained of shall make reparation for any injury
2 alleged and shall cease to commit or to permit the violation of law, franchise, or order charged in the
3 complaint, and shall notify the ~~[commission]~~ **department of energy** of that fact before the time
4 allowed for answer, the ~~[commission]~~ **department** shall not be required to take any further action
5 upon the charges.

6 365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall
7 appear to the ~~[commission]~~ **department of energy** that there are reasonable grounds therefor, it
8 shall investigate the same in such manner and by such means as it shall deem proper~~[-and, after~~
9 ~~notice and hearing, take such action within its powers as the facts justify]~~. **After investigation, the**
10 **department of energy may bring proceedings on its own motion before the public utilities**
11 **commission, with respect to any complaint or violation of any provision of law, rule, terms**
12 **and conditions of its franchises or charter, or any order of the commission.**

13 365:5 Independent Inquiry. The ~~[commission, on its own motion or upon petition of a public~~
14 ~~utility,]~~ **department of energy** may investigate or make inquiry in a manner to be determined by it
15 as to any rate charged or proposed or as to any act or thing having been done, or having been
16 omitted or proposed by any public utility; and the ~~[commission]~~ **department of energy** shall make
17 such inquiry in regard to any rate charged or proposed or to any act or thing having been done or
18 having been omitted or proposed by any such utility in violation of any provision of law or order of
19 the commission.

20 365:6 Inspection. ~~[The]~~ **Both the commission and the department of energy** may at any time
21 personally, or by its experts or agents, inspect the property, works, system, plant, devices, appliances
22 and methods used by any public utility, or its books, papers and records.

23 365:7 Authority to Inspect. Any expert or agent of the **department of energy or the**
24 commission, who shall make a demand on behalf of the commission to be allowed to inspect as
25 provided in RSA 365:6, shall produce written authority to make such inspection signed by the
26 ~~[secretary or assistant secretary or some member]~~ **chairperson** of the commission **or the**
27 **commissioner of the department of energy.**

28 249 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, I(j) to read as
29 follows:

30 (j) Standards and procedures for determination and recovery of rate ~~[ease]~~ **proceedings**
31 expenses.

32 250 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, II to read as
33 follows:

34 II. Where the commission has adopted rules in conformity with this section, ~~[complaints to~~
35 ~~and]~~ proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

36 251 Repeal. The following are repealed:

37 I. RSA 365:8, I(c), relative to certain rulemaking authority of the public utilities commission.

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1 II. RSA 365:8-a, relative to suppliers of natural gas an aggregators of natural gas customers.
2 252 Complaints to Department of Energy and Public Utilities Commission; Expense of
3 Investigations; Rate Proceeding. Amend RSA 365:37 and 365:38 to read as follows:

4 365:37 Expense of Investigations.

5 I. Whenever any investigation **by the commission or the department of energy** shall be
6 necessary to enable the commission to pass upon any petition for authority to issue stocks, bonds,
7 notes, or other evidence of indebtedness, for authority to operate as a public utility or to expand
8 operations as a public utility, to make extensions into new territory, to discontinue service, to
9 condemn property for flowage rights and dam construction, or for authority to sell, consolidate,
10 merge, transfer, or lease the plant, works, or system of any public utility, or any part of the same, or
11 for any other matter which requires the ~~[commission's]~~ approval **of the commission or the**
12 **department of energy**, the petitioner shall pay to the ~~[commission]~~ **department of energy** the
13 expense involved in the investigation of the matters covered by said petition, including the amounts
14 expended for experts, accountants, or other assistants. Such expense shall not include any part of
15 the salaries or expenses of the commissioners or of employees of the commission or **department of**
16 **energy or**, unless the proceeding is being conducted pursuant to RSA 38, the fees of experts
17 testifying as to values in condemnation proceedings.

18 II. Whenever the commission institutes a proceeding, or when more than one utility subject
19 to the jurisdiction of the commission shall be involved in a proceeding in which the commission **or**
20 **the department of energy** requires the assistance of experts, accountants or other assistants,
21 regardless of whether they petitioned the commission in the first instance, the commission **and the**
22 **department of energy** may assess the costs of experts, accountants or other assistants hired by the
23 commission against the utilities and any other parties to the proceeding. The commission **and the**
24 **department of energy** shall not, however, assess any such costs against the office of the consumer
25 advocate or against any voluntary corporation, not-for-profit organization, or any municipality
26 unless the municipality is involved in a proceeding before the commission pursuant to RSA 38. In
27 the case of a utility, the assessment of those costs shall be based on the annual revenues of the
28 participating utilities in the same manner as issued in assessing the annual operating expenses of
29 the commission **and the department of energy**, or as appropriate and equitable on a case by case
30 basis. In the case of a party who is not a utility, the assessment of those costs shall be as
31 appropriate and equitable on a case by case basis. Such expenses shall not include any part of the
32 salaries or expenses of the commissioners or of employees of the commission **or of employees of the**
33 **department of energy** or, unless the proceeding is being conducted pursuant to RSA 38, the fees of
34 experts testifying as to values in condemnation proceedings.

35 III. For investigations or proceedings involving the acquisition, merger, transfer, sale, or
36 lease of the works or system of a public utility, the commission **and the department of energy**
37 shall not enter into a contract with experts, accountants, or other assistants in an amount greater

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1 than [~~\$250,000~~] **\$10,000**, including any contract extension, without the approval of the governor and
2 council. For all other investigations or proceedings, the commission **and the department of energy**
3 shall not enter into a contract with experts, accountants, or other assistants in an amount greater
4 than [~~\$100,000~~] **\$10,000**, including any contract extension, without the approval of governor and
5 council.

6 365:38 Rate Proceeding. Whenever any investigation **or proceeding** shall be necessary to
7 enable the commission to pass upon the reasonableness of the rates or charges by a public utility, the
8 utility[~~, upon order of the commission,~~] shall pay to the [~~commission its~~] **department of energy the**
9 expenses involved in the investigation, including the amounts expended by it for attorneys, experts,
10 accountants, or other assistants, but not including any part of the salaries or expenses of the
11 commissioners or of employees of the commission **or department of energy**; provided, that the
12 amount charged to the utility [~~by the commission~~] in any such case shall not exceed 3/4 of one
13 percent of the existing valuation of the utility investigated, such expenses with 6 percent interest to
14 be charged by the utility to operating expenses and amortized over such period as the commission
15 shall deem proper and allowed for in the rates to be charged by the utility.

16 253 Complaints to Department of Energy and Public Utilities Commission; Penalty Against
17 Utility. Amend RSA 365:41 to read as follows:

18 365:41 Penalty Against Utility. Any public utility which shall violate any provisions of this title,
19 or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the
20 commission **or the department of energy**, shall be subject to a civil penalty, as determined by the
21 commission, not to exceed \$250,000 or 2.5 percent of the annual gross revenue that the utility
22 received from sales in the state, whichever is lower. Such penalties shall be applied to the benefit of
23 the utility's ratepayers through a credit to bills, or, if the credit is of an amount determined by the
24 commission to be insignificant on a per customer basis, to programs that benefit low income
25 ratepayers. No portion of any fine, nor any costs associated with an administrative or court
26 proceeding which results in a fine pursuant to this section, shall be considered by the commission in
27 fixing any temporary, permanent, or emergency rates or charges of such utility.

28 254 Affiliates of Public Utilities; Department of Energy. Amend RSA 366:2 through 366:9 to
29 read as follows:

30 366:2 Sale of Securities to or by Employees. No public utility shall, without the approval of the
31 [~~commission~~] **department of energy**, permit any employee to sell, offer for sale, or solicit the
32 purchase of any security issued by an affiliate during such hours as such employee is engaged to
33 perform any duty of such public utility; nor shall any public utility by any means or device
34 whatsoever require any employee to purchase or contract to purchase any of its securities or those of
35 any other person or corporation; nor shall any public utility require any employee to permit the
36 deduction from his wages or salary of any sum as a payment or to be applied as a payment on any
37 purchase or contract to purchase any security of such public utility or of any other person.

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1 366:3 Filing of Contracts. The original or a verified copy of any contract or arrangement and of
2 any modification thereof or a verified summary of any unwritten contract or arrangement, the
3 consideration of which exceeds \$500, hereafter entered into between a public utility and an affiliate
4 providing for the furnishing of managerial, supervisory, construction, engineering, accounting,
5 purchasing, financial, or any other services either to or by a public utility or an affiliate shall be filed
6 by the public utility with the ~~[commission]~~ **department of energy** within 10 days after the date on
7 which the contract is executed or the arrangement entered into. The ~~[commission]~~ **department** may
8 also require a public utility to file in such form as the ~~[commission]~~ **department** may require full
9 information with respect to any purchase from or sale to an affiliate, whether or not made in
10 pursuance of a continuing contract or arrangement.

11 366:4 Failure to File. Any contract or arrangement not filed with the ~~[commission]~~ **department**
12 **of energy** pursuant to RSA 366:3 shall be unenforceable in any court in this state and payments
13 thereunder may be disallowed by the ~~[commission]~~ **department** unless the later filing thereof is
14 approved in writing by the ~~[commission]~~ **department**.

15 366:5 Investigation and Proof. The ~~[commission]~~ **department of energy** shall have full power
16 and authority to investigate any such contract, arrangement, purchase, or sale and ~~[-if]~~ **initiate a**
17 **proceeding related thereto before the commission. If** the commission after notice and hearing
18 shall find any such contract, arrangement, purchase, or sale to be unjust or unreasonable, the
19 commission may make such reasonable order relating thereto as the public good requires. In any
20 such investigation, the burden shall be on the public utility and affiliate to prove the reasonableness
21 of any such contract, arrangement, purchase, or sale with, from, or to an affiliate. If the public
22 utility shall fail to satisfy the commission of the reasonableness of any such contract, arrangement,
23 purchase, or sale, the commission may disapprove the same and disallow payments thereunder or
24 such part of any such payment as the commission shall find to be unjust or unreasonable. No
25 payment disallowed by the commission shall be capitalized or included as an operating cost of the
26 public utility in the fixing of rates or as an asset in fixing a rate base. If in any such investigation
27 the public utility or affiliate shall unreasonably refuse to comply with any request of the commission
28 **or the department** for information with respect to relevant accounts and records, whether of such
29 public utility or any affiliate, any portion of which may be applicable to any transaction under
30 investigation, so that such parts thereof as the commission **or the department** may deem material
31 may be made part of the record, such refusal shall justify the commission in disapproving the
32 transaction under investigation and disallowing payments in pursuance thereof.

33 366:6 Summary Order in Certain Cases. If as a result of an investigation **or proceeding** in
34 accordance with RSA 366:5 the commission shall find that any public utility is making any payment
35 or about to make any payment or doing or about to do any other thing which substantially threatens
36 or impairs the ability of the public utility to render adequate service at reasonable rates or otherwise
37 to discharge its duty to the public, the commission may apply to the superior court for an order

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1 directing the public utility to cease making any such payment or doing such other thing; and,
2 thereupon, the court shall make such order as the public good may require.

3 366:7 Disallowance of Charges Under Existing Contracts. In any proceeding whether upon the
4 ***department's initiation or*** commission's own motion or upon complaint involving the rates or
5 practices of any public utility, the commission may disallow the inclusion in the accounts of a public
6 utility of any payments or compensation to an affiliate for any services rendered, or property
7 furnished, under existing contracts or arrangements with an affiliate unless such public utility shall
8 establish the reasonableness of such payment or compensation.

9 366:8 Annual Reports. Every public utility annually reporting to the commission ***or***
10 ***department of energy*** under RSA 374 shall also annually report the name and address of, and the
11 number of shares held by, its officers and directors and each holder of one percent or more of the
12 voting capital stock of the reporting public utility according to its records.

13 366:9 Information Concerning Control. The commission ***or department of energy*** may also
14 require such other information as to the direct or indirect control of a public utility or affiliate from a
15 public utility, affiliate, or other person as may be reasonably required for the effective enforcement of
16 this chapter.

17 255 References Change; Service Equipment of Public Utilities; Department of Energy. Amend
18 the following RSA provisions by replacing "commission" with "department of energy": 370:2, 370:8,
19 370:9.

20 256 Service Equipment of Public Utilities; Units of Service. Amend RSA 370:1 to read as
21 follows:

22 370:1 Units of Service. The ~~[public utilities commission]~~ ***department of energy*** may ascertain,
23 determine and fix, for each kind of public utility, suitable and convenient standard commercial units
24 of service, product or commodity, which units shall be lawful units for the purposes of this chapter.

25 257 Service Equipment of Public Utilities; Department of Energy. Amend RSA 370:3 through
26 370:7 to read as follows:

27 370:3 Meters. The ~~[commission]~~ ***department of energy*** may ascertain, determine and fix
28 reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and
29 appliances for measurement, and every public utility is required to carry into effect all orders issued
30 by the ~~[commission]~~ ***department*** relative thereto.

31 370:4 Service Inspections. The ~~[commission]~~ ***department of energy*** may provide for the
32 inspection of the manner in which every public utility conforms to the reasonable regulations
33 prescribed by the ~~[commission]~~ ***department*** for examination and testing of its service, product or
34 commodity, and for the measurement thereof, and may supplement such inspections by
35 examinations and testing.

36 370:5 Inspection of Meters. The ~~[commission]~~ ***department of energy*** may provide for the
37 inspection of the manner in which every public utility has carried into effect the reasonable rules,

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1 regulations, specifications and standards fixed by orders of the [~~commission~~] **department** relative
2 thereto, and may examine and test any meters and appliances for measurements under such
3 reasonable rules and regulations as it may prescribe.

4 370:6 Testing Appliances. The [~~commission~~] **department** may provide for the examination and
5 testing of any appliances used for the measuring of any service, product or commodity of a public
6 utility.

7 370:7 At Consumer's Request. Any consumer or user may have any such appliance tested by the
8 [~~commission~~] **department of energy**. The [~~commission~~] **department** may declare and establish
9 reasonable fees to be paid for examining and testing such appliances on the request of consumers or
10 users, the fee to be paid by the consumer or user at the time of his request; but, if the measuring
11 appliance be found unreasonably defective or incorrect to the disadvantage of the consumer or user,
12 the [~~commission~~] **department** shall repay such fee to the consumer or user and collect the same
13 from the public utility.

14 258 Rights in Public Waters and Lands; License by Notification of New Attachments on Existing
15 Utility Poles. Amend RSA 371:17-a to read as follows:

16 371:17-a License by Notification of New Attachments on Existing Utility Poles. Whenever it is
17 necessary, in order to meet the reasonable requirements of service to the public, that any public
18 utility other than electric or gas should construct a cable, conduit, or wires and fixtures upon an
19 existing line of poles or towers over, under, or across any of the public waters of this state, or over,
20 under, or across any of the land owned by this state, the public utility shall file written notification
21 with the [~~commission~~] **department of energy** for a license to construct and maintain such cable,
22 conduit, or wires and fixtures. In this section, "public waters" means all ponds of more than 10
23 acres, tidewater bodies, and such streams or portions thereof as the commission may prescribe.
24 Every corporation and individual desiring to cross any public waters or land for the purposes of this
25 section shall file written notification in the same manner prescribed for a public utility. The
26 notification shall include a description of the specific geographic and pole locations of the crossing
27 and verification that there is a valid pole attachment license or that an application for a pole
28 attachment license has been submitted to the utility or utilities that own such poles or towers. The
29 notification shall include an affidavit signed by the responsible officer confirming that the crossing
30 shall be completed in compliance with such pole attachment license and the National Electrical
31 Safety Code. Upon receipt of such notification, no further inquiries or investigations by the
32 [~~commission~~] **department of energy** shall be required in granting the requested license.

33 259 Rights in Public Waters and Lands; License by Notification of Existing Crossings on
34 Existing Poles. Amend RSA 371:17-b to read as follows:

35 371:17-b License by Notification of Existing Crossings on Existing Poles. Existing crossings on
36 existing poles as of the effective date of this section, not previously licensed, shall be considered
37 temporarily licensed without further inquiries or investigations. Any party seeking a license under

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1 this section shall file a complete list identifying the specific geographic and pole locations of each
2 existing crossing with the commission within 2 years of the effective date of this section. Upon
3 receipt of such list, no further inquiries or investigations by the commission shall be undertaken and
4 the ~~[commission]~~ **department of energy** shall issue a final license. Any temporary license shall
5 expire upon the issuance of a final license.

6 260 Rights in Public Waters and Lands; Hearing; Order. Amend RSA 371:20 to read as follows:

7 371:20 Hearing; Order. ***Whenever a hearing shall be necessary***, the commission shall hear
8 all parties interested; and, in case it shall find that the license petitioned for, subject to such
9 modifications and conditions, if any, and for such period as the commission may determine, may be
10 exercised without substantially affecting the public rights in said waters or lands, it shall render
11 judgment granting such license. Provided, however, that such license may be granted ***by the***
12 ***department of energy*** without hearing when all interested parties are in agreement and in cases
13 involving filings made under RSA 371:17-a and RSA 371:17-b. ~~[The executive director of the~~
14 ~~commission may issue licenses under RSA 371:17-a and RSA 371:17-b.]~~

15 261 References Changed; Proceedings to Acquire Property or Rights; Rights in Public Waters
16 and Lands; Department of Energy. Amend the following RSA provisions by replacing "commission"
17 with "department of energy": 371:17, 371:18, 371:19.

18 262 Extent of Power. Amend RSA 374:3 to read as follows:

19 374:3 Extent of Power. The public utilities commission ***and department of energy*** shall have
20 the general supervision of all public utilities and the plants owned, operated or controlled by the
21 same so far as necessary to carry into effect the provisions of this title.

22 263 Supervisory Power of Department of Energy and Public Utilities Commission. Amend the
23 subdivision heading following RSA 374:3-b to read as follows:

24 Supervisory Power of Department of ~~[Transportation]~~

25 ***Energy and Public Utilities Commission***

26 264 Duties. Amend RSA 374:4-374:5-a to read as follows:

27 374:4 Duty to Keep Informed. The commission ***and the department of energy*** shall have
28 power, and it shall be ~~[its]~~ ***their*** duty, to keep informed as to all public utilities in the state, their
29 capitalization, franchises and the manner in which the lines and property controlled or operated by
30 them are managed and operated, not only with respect to the safety, adequacy and accommodation
31 offered by their service, but also with respect to their compliance with all provisions of law, orders of
32 the commission and charter requirements.

33 374:5 Additions and Improvements. For the purpose of enabling the commission ***and the***
34 ***department of energy*** to perform ~~[its]~~ ***their*** duty to keep informed as provided in RSA 374:4, every
35 public utility, before making any addition, extension, or capital improvement to its fixed property in
36 this state, except under emergency conditions, shall report to the commission ***and the department***
37 ***of energy*** the probable cost of such addition, extension, or capital improvement whenever the

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1 probable cost thereof exceeds a reasonable amount to be prescribed by general or special order of the
2 commission. For this purpose, the commission may classify public utilities according to the amount
3 of their respective fixed capital accounts, and prescribe a reasonable limitation for each such
4 classification. In no case shall the minimum amount prescribed be less than 1/4 of one percent of
5 such fixed capital account as of December 31 of the preceding year, or \$ 10,000, whichever is the
6 smaller amount. Reports shall be filed in writing [~~with the commission~~] within such reasonable time
7 as may be prescribed by the commission before starting actual construction on any addition,
8 extension, or improvement. The commission shall have discretion to exclude the cost of any such
9 addition, extension, or capital improvement from the rate base of said utility where such written
10 report thereof shall not have been filed in advance as herein provided.

11 374:5-a Power to Hire Consultants Firm. The commission **and the department of energy** may
12 utilize and employ a consultant firm to provide it with technical assistance in evaluating cost factors
13 relating to the effective use of substantial investments of utilities regulated by the commission.

14 265 Investigation of Other Utilities; Orders; Violation. Amend RSA 374:7-374:7-a to read as
15 follows:

16 374:7 Investigation of Other Utilities; Orders. The commission **and the department of energy**
17 shall have power to investigate and ascertain, from time to time, the quality of gas supplied by
18 public utilities and the methods employed by public utilities in manufacturing, transmitting or
19 supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph
20 messages, or supplying water, and, after notice and hearing thereon, shall have power to order all
21 reasonable and just improvements and extensions in service or methods.

22 374:7-a Violation.

23 I. Any person who knowingly or willfully violates any provision of RSA 370:2 or any
24 standards or rules adopted under it by the public utilities commission **or the department of**
25 **energy**, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas
26 Pipeline Safety Act, shall be subject to a civil penalty not to exceed the maximum civil penalty under
27 49 U.S.C. section 60122(a), as amended.

28 II. Any person who otherwise violates any provision of RSA 370:2 or any standards or rules
29 adopted under it by the public utilities commission **or the department of energy**, relative to gas
30 pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act,
31 shall be subject to a civil penalty not to exceed the maximum civil penalty under 49 U.S.C. section
32 60122(a), as amended.

33 III. **The department of energy shall assess and enforce civil penalties related to this**
34 **section.** Any civil penalty assessed under this section may be [~~compromised~~] **appealed to the**
35 **public utilities commission, and the commission may uphold, reverse, or compromise such**
36 **civil penalty** [~~by the public utilities commission~~]. In determining the amount of the penalty, **the**
37 **outcome of an appeal**, or the amount agreed upon in compromise, the appropriateness of the

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1 penalty to the size of the business of the person charged, the gravity of the violation, the good faith of
2 the person charged in attempting to achieve compliance, after notification of a violation, the degree
3 of culpability of the person, the history of prior violations, the effect of the penalty on the person, and
4 any other identifiable factor related to the circumstances of the person and the nature and
5 circumstances of the violation, shall be considered. The amount of the penalty, when finally
6 determined, or the amount agreed upon in compromise, may be deducted from any sums owing by
7 the state to the person charged or may be recovered in a civil action in the state courts.

8 266 Public Utilities; Reports; Filing. Amend RSA 374:15 to read as follows:

9 374:15 Filing. Every public utility shall file with the commission ***and the department of***
10 ***energy*** reports at such times, verified by oath in such manner, and setting forth such statistics and
11 facts, as may be required by the commission ***or the department of energy***.

12 267 Public Utilities; Reports. Amend RSA 374:17-374:19 to read as follows:

13 374:17 Neglect to Report. If any public utility shall neglect or refuse to make and file any report
14 within a time specified by the commission ***or the department of energy***, or shall neglect or refuse
15 to make specific answer to any question lawfully asked by the commission ***or the department of***
16 ***energy***, it shall forfeit to the state the sum of \$100 for each day it shall continue to be in default with
17 respect to such report or answer, unless it shall be excused ~~[by the commission]~~ from making such
18 report or answer, or unless the time for making the same shall be extended ~~[by the commission]~~.

19 374:18 Production of Books, Etc. The commission, by order, ***or the department of energy***, may
20 require any public utility to produce within the state, at such time and place as it may designate,
21 any accounts, records, memoranda, books, or papers kept in any office or place without the state, or
22 verified copies thereof, in order that an examination thereof may be made by the commission or
23 under its direction.

24 374:19 False Statements, Etc. No public utility shall willfully make any false statement or false
25 entry in any report to the commission ***or the department of energy***, or in any answer to any
26 question lawfully asked by the commission ***or the department of energy***.

27 268 Service Territories; Department of Energy Jurisdiction. Amend RSA 374:22-e to read as
28 follows:

29 374:22-e Service Territories; ~~[Commission]~~ ***Department of Energy*** Jurisdiction.

30 I. If 2 or more telephone utilities find that they provide the same service in the same area or
31 that existing maps create overlapping service territories, the ~~[commission]~~ ***department of energy***,
32 upon application by one or both of the affected utilities, shall define, alter, or establish service
33 territories. In establishing or altering service territories, the ~~[commission]~~ ***department of energy***
34 shall consider the following:

35 (a) Existing service areas;

36 (b) Any voluntary agreements between or among 2 or more such telephone utilities
37 which define the service territories of those utilities;

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- (c) Consistency with the orderly development of the region;
- (d) Natural geographical boundaries;
- (e) Compatibility with the interests of all consumers; and
- (f) All other relevant factors.

II. The ~~[commission]~~ **department of energy** shall have power to exercise the jurisdiction conferred in this section only after due notice to all interested parties and hearing. After consideration of the factors established by paragraph I of this section, and after making findings that the service territories established or altered are consistent with the public good, the ~~[commission]~~ **department of energy** shall establish the service territory of each telephone utility. The service territory thus established shall be sufficiently definite and precise so that its boundaries may be accurately determined.

269 Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g to read as follows:

374:22-g Service Territories Served by Certain Telephone Utilities.

I. To the extent consistent with federal law and notwithstanding any other provision of law to the contrary, all telephone franchise areas served by a telephone utility that provides local exchange service, subject to the jurisdiction of the ~~[commission]~~ **department of energy**, shall be nonexclusive. The ~~[commission]~~ **department of energy**, upon petition or on its own motion, shall have the authority to authorize the providing of telecommunications services, including local exchange services, and any other telecommunications services, by more than one provider, in any service territory, when the ~~[commission]~~ **department of energy** finds and determines that it is consistent with the public good unless prohibited by federal law.

II. In determining the public good, the commission shall consider the interests of competition with other factors including, but not limited to, fairness; economic efficiency; universal service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable return on its investment; and the recovery from competitive providers of expenses incurred by the incumbent utility to benefit competitive providers, taking into account the proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such expenses.

III. The **department of energy** shall adopt rules, pursuant to RSA 541-A, relative to the enforcement of this section.

270 Shared Tenant Services Authorized; Limited Regulation; Rulemaking. Amend RSA 374:22-l and m to read as follows:

374:22-l Shared Tenant Services Authorized; Limited Regulation.

I. The ~~[public utilities commission]~~ **department of energy** shall authorize the provision of shared tenant services by providers meeting the minimum requirements established by the ~~[commission]~~ **department of energy** to operate shared tenant services networks.

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1 II. Providers of shared tenant services shall be subject to the following limited regulation by
2 the ~~[commission]~~ **department of energy**:

3 (a) Providers of shared tenant services shall disclose to tenants and prospective tenants
4 all pricing information relative to their services in the manner prescribed by the ~~[commission]~~
5 **department of energy**.

6 (b) Providers of shared tenant services shall disclose to tenants and prospective tenants
7 that they can at their option obtain basic exchange and other service from an authorized local
8 telephone utility rather than from the shared tenant services provider.

9 (c) Without penalty and in accordance with the rules of the ~~[commission]~~ **department of**
10 **energy**, telephone number retention and access to telecommunications services shall be permitted by
11 providers of shared tenant services and authorized local telephone utilities into and out of shared
12 tenant services properties.

13 (d) The ~~[commission]~~ **department of energy** shall have jurisdiction to hear matters
14 pertaining to the unauthorized provision of shared tenant services, violations of ~~[commission]~~
15 **department** rules relating to shared tenant services, and customer complaints against shared
16 tenant services providers.

17 374:22-m Rulemaking. The ~~[public utilities commission]~~ **department of energy** shall adopt
18 rules, pursuant to RSA 541-A, relative to:

19 I. Minimum requirements for shared tenant services, including disclosure of available
20 options and terms and prices of shared tenant services.

21 II. Customer access to services of authorized local telephone utilities.

22 III. Telephone number retention and recovery of costs, if any, associated with number
23 retention.

24 IV. The charges a local telephone utility establishes for a shared tenant services provider to
25 purchase services for use by the provider's tenants.

26 V. Procedures for complaints to the ~~[commission]~~ **department** regarding shared tenant
27 services.

28 271 Regulation of Competitive Telecommunications Providers Limited; Affordable Telephone
29 Service; Public Interest Payphones. Amend RSA 374:22-o-374:22-q to read as follows:

30 374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or
31 business entity authorized by the ~~[commission]~~ **department of energy** to engage in business as a
32 competitive local exchange carrier and any competitive toll provider having less than a 10 percent
33 share of toll revenue in New Hampshire shall not be required to seek prior ~~[commission]~~
34 **department** approval of financings or corporate organizational changes, including, without
35 limitation, mergers, acquisitions, corporate restructurings, issuance or transfer of securities, or the
36 sale, lease, or other transfer of assets or control. Nothing in this section shall exempt any such

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1 competitive telecommunications service provider from such advance notice as the ~~commission~~
2 **department** may prescribe or from the requirements of RSA 374:28-a or RSA 378:46.

3 374:22-p Affordable Telephone Service; Rulemaking; Standards.

4 I.(a) For the purposes of this section, "Federal Telecommunications Act" means the federal
5 Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56.

6 (b) For purposes of this section "basic service" means:

7 (1) Safe and reliable single-party, single line voice service;

8 (2) The ability to receive all noncollect calls, at telephone lines capable of receiving
9 calls, without additional charge;

10 (3) The ability to complete calls to any other telephone line, which is capable of
11 receiving calls, in the state;

12 (4) The opportunity to presubscribe to interLATA toll carriers;

13 (5) The opportunity to presubscribe to intraLATA toll carriers;

14 (6) Dialing parity;

15 (7) Number portability;

16 (8) Enhanced 911, pursuant to the requirements of the department of safety, bureau
17 of emergency communications, or its successor agency;

18 (9) Access to statewide directory assistance;

19 (10) Telecommunications relay service (TRS);

20 (11) A published directory listing, at the customer's election;

21 (12) A caller identification blocking option, on a per-call basis;

22 (13) A caller identification line blocking option that is available to all customers
23 without a recurring charge and is provided upon customer request without charge to customers who
24 have elected nonpublished telephone numbers and is available without a nonrecurring charge to
25 customers who certify that caller identification threatens their health or safety and is available
26 without a nonrecurring charge when requested with installation of basic service;

27 (14) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 area
28 code calls;

29 (15) The ability to report service problems to the customer's basic service provider on
30 a 24-hour basis, 7 days a week; and

31 (16) Automatic Number Identification (ANI) to other carriers which accurately
32 identifies the telephone number of the calling party.

33 (c) Any combination of basic service along with any other service or feature offered by
34 the telecommunications service provider is nonbasic service and shall not be regulated by the
35 commission.

36 (d) Any telecommunications service provider which is not an incumbent local exchange
37 carrier shall not be required to provide basic service.

1 II. Subject to RSA 362:6, the ~~[commission]~~ **department of energy** shall require every
2 provider of intrastate telephone service to participate in outreach programs designed to increase the
3 number of low-income telephone customers on the network through increased participation in any
4 universal service program approved by the ~~[commission]~~ **department** and statutorily established by
5 the legislature. Statewide outreach programs shall continue until further order of the ~~[commission]~~
6 **department**.

7 III. The ~~[commission]~~ **department of energy** shall seek to ensure that affordable basic
8 telephone services are available to consumers throughout all areas of the state at reasonably
9 comparable rates.

10 IV.(a) The ~~[commission]~~ **department of energy** shall ~~[develop-draft]~~ **maintain and**
11 **update** rules to implement this section and shall, after the statutory establishment of a universal
12 service fund, require every provider of intrastate telephone services to contribute to a state universal
13 service fund to support programs consistent with the goals of applicable provisions of this title and
14 the Federal Telecommunications Act.

15 (b) If the ~~[commission]~~ **department of energy**, upon statutory establishment of a
16 universal service program, establishes a state universal service fund pursuant to this section, the
17 ~~[commission]~~ **department** shall contract with an appropriate independent fiscal agent that is not a
18 state entity to serve as administrator of the state universal service fund. Program administration
19 shall be designed in the most cost-effective manner possible. Funds contributed to a state universal
20 service fund are not state funds and therefore are not subject to provisions of law relating to the
21 general fund. Rules and any state universal service fund requirements established by legislative
22 enactment and by the ~~[commission]~~ **department** pursuant to this section shall:

23 (1) Be reasonably designed to maximize federal assistance available to the state for
24 universal service purposes.

25 (2) Meet the state's obligations under the Federal Telecommunications Act.

26 (3) Be consistent with the goals of the Federal Telecommunications Act.

27 (4) Ensure that any requirements regarding contributions to a state universal
28 service fund be nondiscriminatory and competitively neutral.

29 (5) Require explicit identification on customer's bills of contributions to and in the
30 event of fund termination, refunds from, any state universal service fund established pursuant to the
31 section.

32 (6) Allow consideration in appropriate rulemaking proceedings of contributions to
33 and in the event of fund termination, refunds from, any state universal service fund established
34 pursuant to this section.

35 (c) For purposes of this section, "providers of intrastate telephone services" includes
36 providers of radio paging service and, subject to the provisions of the Federal Communications Act as
37 amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

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(d) Prior to requiring that providers of intrastate telephone service contribute to a state universal service fund and prior to statutory establishment of a universal service fund, the ~~[commission]~~ **department of energy** shall report to the general court its determination of the expected program costs, the amount and type of the funding mechanism, the number of people proposed to be served, the level of proposed service, and the administrative design of the proposed fund.

V. The ~~[commission]~~ **department of energy**, annually, shall assess the penetration rate of basic telephone services. If this penetration rate ever falls below the national average penetration rate, the ~~[commission]~~ **department** shall commence an investigation and take steps to enhance telephone market penetration. The ~~[commission]~~ **department**, annually, shall assess the success of any action taken by the ~~[commission]~~ **department** to achieve the purpose of this section. The public policy goal should be to raise the low income penetration level as close as reasonably possible to the statewide average.

VI, VII. [Repealed.]

VIII. Notwithstanding the provisions of RSA 374:1-a:

(a) Incumbent local exchange carriers, whether qualified as an excepted local exchange carrier or otherwise, may not discontinue residential basic service, regardless of technology used, in any portion of their franchise area unless the ~~[commission]~~ **department of energy** determines that the public good will not be adversely affected by such withdrawal of service;

(b) Rates for basic service of incumbent local exchange carriers which qualify as excepted local exchange carriers may not increase by more than 5 percent for Lifeline Telephone Assistance customers and by more than 10 percent for all other basic service customers in each of the 8 years after the effective date of this paragraph or the effective date of an existing alternative plan of regulation, except for additional rate adjustments, with ~~[public utilities commission]~~ **department of energy** review and approval, to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes; and

(c) Incumbent local exchange carriers which qualify as excepted local exchange carriers shall report the rates for basic service to the ~~[commission]~~ **department of energy** within 60 days of the effective date of this paragraph and upon any changes to the rates.

374:22-q Public Interest Payphones.

I. There is hereby established a public interest payphone fund into which shall only be deposited moneys received pursuant to RSA 471-C:8, IV and this paragraph. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and continually appropriated to the ~~[commission]~~ **department of energy** to be used only to fund the maintenance of public interest payphones. At the end of each biennium, any moneys in excess of \$30,000 shall be transferred to the general fund.

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1 II. "Public interest payphone" means a payphone or payphone site which the ~~[commission]~~
2 **department of energy** has determined to be necessary in the interest of public health, safety, or
3 welfare, where there would otherwise not be a payphone, in accordance with 47 U.S.C. section
4 276(b)(2). The owner or person in control of the payphone site may object in writing to the
5 ~~[commission]~~ **department** to the designation of the public interest payphone. The ~~[commission]~~
6 **department** shall not designate a payphone or payphone site as a public interest payphone if such
7 objection is received by the ~~[commission]~~ **department** prior to designation; if the objection is
8 received after designation, the ~~[commission]~~ **department** shall remove the designation immediately
9 upon receipt of the objection. The ~~[commission]~~ **department** shall make payment of fair
10 compensation from the fund to providers of payphones that have been designated by the
11 ~~[commission]~~ **department** as public interest payphones, where such providers are required by the
12 ~~[commission]~~ **department** to maintain the payphones. No other state or state associated funds shall
13 be used to maintain public interest payphones other than those contained in the fund, without
14 further authorization from the legislature.

15 III. Any public utility or non-utility pay telephone services provider that operates any plant
16 or equipment or any part of same for the conveyance of telephone or telegraph messages that elects
17 to remove the last pay telephone at a site shall provide prior written notice to the ~~[commission]~~
18 **department of energy**, to the owner of the property where the payphone is located, and to the
19 public of the intended removal of the payphone. The provider shall notify the ~~[commission]~~
20 **department** and the owner at least 60 days prior to removal. Posting notice on the payphone at
21 least 30 days prior to removal shall constitute adequate public notice. The notice shall include
22 notification that any person may file a petition with the ~~[commission]~~ **department** to designate the
23 payphone as a public interest payphone. Once a payphone or payphone site has been designated as a
24 public interest payphone, the payphone may not be removed unless the ~~[commission]~~ **department**
25 removes the public interest payphone designation. The ~~[commission]~~ **department** shall adopt rules,
26 pursuant to RSA 541-A, to implement this subdivision.

27 272 Pole Attachments. Amend RSA 374:34-a to read as follows:

28 374:34-a Pole Attachments.

29 I. In this subdivision, a "pole" means any pole, duct, conduit, or right-of-way that is used for
30 wire communications or electricity distribution and is owned in whole or in part by a public utility,
31 including a rural electric cooperative for which a certificate of deregulation is on file with the
32 commission pursuant to RSA 301:57.

33 II. Whenever a pole owner is unable to reach agreement with a party seeking pole
34 attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for
35 such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section
36 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This

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1 authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C.
2 section 224(c).

3 III. The ~~[commission]~~ **department of energy** shall adopt rules under RSA 541-A to carry
4 out the provisions of this section, including appropriate formula or formulae for apportioning costs.

5 IV. In exercising its authority under this subdivision, the ~~[commission]~~ **department of**
6 **energy** shall consider the interests of the subscribers and users of the services offered via such
7 attachments, as well as the interests of the consumers of any pole owner providing such
8 attachments.

9 V. Nothing in this subdivision shall prevent parties from entering into pole attachment
10 agreements voluntarily, without commission approval.

11 VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of
12 attachments regulated under this subdivision. A pole owner may deny access to its poles on a
13 nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and
14 generally applicable engineering purposes.

15 VII. The commission shall have the authority to hear and resolve complaints concerning
16 rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole
17 attachments.

18 VIII. The ~~[commission]~~ **department of energy** shall retain its authority to regulate the
19 safety, vegetation management, emergency response, and storm restoration requirements for poles,
20 conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of public
21 utilities and other private entities located within public rights-of-way and on, over, or under state
22 lands and water bodies.

23 273 Investigations; Orders. Amend RSA 374:36 to read as follows:

24 374:36 Investigations; Orders. The commission **and the department of energy** may, of ~~[its]~~
25 **their** own motion or on application of any person, investigate or make inquiry, in a manner to be
26 determined by ~~[it]~~ **them**, as to the existence of an available market at fair rates within the state;
27 and, if ~~[it]~~ **the commission** shall find that such a market does not exist within a reasonable distance
28 of the power development, it may make an order granting such permission and may impose the
29 condition that consumers within the state shall be furnished service by said corporation upon terms
30 as favorable as shall be granted to consumers outside the state, having due regard to all facts and
31 conditions which may affect the subject; provided, that nothing in this section shall apply to
32 corporations engaged in the business of transmitting such electrical energy to any place outside the
33 state on May 15, 1911; but any addition to such energy generated from any water-power, except such
34 as it was using in connection with such business on that date, shall come under the provisions of this
35 section; provided, further, that the provisions of this section shall not prevent any railroad doing
36 business in this state from transmitting electrical energy beyond the confines of the state for the
37 purpose of operating its road between and some point in this state and any point outside the state.

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1 274 Investigation of Accidents. Amend RSA 374:37-374:40 to read as follows:

2 374:37 By [~~Commission~~] **Department**. The [~~commission~~] **department of energy** shall
3 investigate the causes of all accidents in connection with the operation of public utilities in the state,
4 which, in the opinion of the commission **or the department of energy**, ought to be investigated.

5 374:38 Manner. Any such investigation may be made by the [~~full commission~~] **department of**
6 **energy** [~~, or by a single commissioner, or by an agent of the commission,~~] in such manner as the
7 [~~commission~~] **department of energy** may determine.

8 374:39 Reports. Every public utility shall report to the **department of energy and the**
9 commission accidents occurring in connection with the operation of its business wherein loss of life
10 occurs or any person is injured, or of such a nature as to endanger the safety, health or property of
11 its consumers or the public, as and whenever directed by such rules and regulations as the
12 **department of energy and the** commission may prescribe.

13 374:40 Publicity. Reports of accidents filed under RSA 374:39 shall not be made public
14 otherwise than in the published reports of the commission **or the department of energy**.

15 275 New Paragraph; Definitions. Amend RSA 374:48 by inserting after paragraph II the
16 following new paragraph:

17 II-a. "Department" means the department of energy.

18 276 Rulemaking. Amend the introductory paragraph of RSA 374:50 to read as follows:

19 The [~~commission~~] **department** shall adopt rules, pursuant to RSA 541-A, relative to:

20 277 Civil Penalty. Amend RSA 374:55 to read as follows

21 374:55 Civil Penalty.

22 I. Proof that an excavation has been made without compliance with the notice requirement
23 of RSA 374:51 and that damage to an underground facility has occurred shall be prima facie
24 evidence in any court or administrative proceeding that the damage was caused by the negligence of
25 the excavator.

26 II. Any excavator who does not give notice of or identify the proposed excavation area as
27 required by RSA 374:51 or rules of the [~~commission~~] **department** regarding tolerance zones and
28 marking procedures shall be subject to the penalties in paragraph VIII, in addition to any liability
29 for the actual damages.

30 III. Any operator which does not mark the location of its underground facilities as required
31 by RSA 374:53 or rules of the [~~commission~~] **department** regarding tolerance zones and marking
32 procedures shall be subject to the penalties in paragraph VIII.

33 IV. If underground facilities are damaged because an operator does not mark its
34 underground facilities as required by RSA 374:53, the operator shall be subject to the penalties in
35 paragraph VIII, liable for damages sustained to its facilities and, in addition, shall be liable for any
36 damages incurred by the excavator as a result of the operator's failure to mark such facilities.

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V. If marked underground facilities are damaged, the excavator shall be subject to the penalties in paragraph VIII and liable for the cost of repairs for the damage.

VI. Any excavator who damages an underground facility and fails to notify the operator, or backfills the excavation without receiving permission, as required by RSA 374:54, shall be subject to the penalties in paragraph VIII.

VII. The ~~[commission]~~ **department** or any ~~[commission]~~ **department** employee, involved in an underground facility damage prevention program approved by the ~~[commission]~~ **department** and designated by the ~~[commission]~~ **department**, may enforce violations of this subdivision. Any excavator or operator that violates this subdivision shall be subject to the penalties in paragraph VIII. In addition, the commission may assess the excavator for expenditures made to collect the civil penalty. Any excavator or operator which suffers damage resulting from violation of this subdivision may petition the ~~[commission]~~ **department** to initiate an enforcement action.

VIII. Any excavator or operator that does not comply with RSA 374:51 through 374:54 shall be required either to complete an underground facility damage prevention program approved by the ~~[commission]~~ **department**, or to pay a civil penalty of up to \$500. The civil penalty may be up to \$5,000 if the excavator or operator previously violated RSA 374:51 through 374:54 within the prior 12 months or if the violation results in bodily injury or property damages exceeding \$50,000, excluding utility costs. This paragraph shall not apply to a homeowner excavating on his or her own property or to a legal occupant of residential property excavating on the property of his or her primary residence with the permission of the owner.

278 Telephone Number Conservation and Area Code Implementation Policy Principles. Amend RSA 374:59 to read as follows:

374:59 Telephone Number Conservation and Area Code Implementation Policy Principles.

I. In this section:

(a) ~~["Commission"]~~ "**Department**" means the ~~[public utilities commission]~~ **department of energy**.

(b) "Geographic split" means the division of an area code into typically 2 areas each served by its own area code.

(c) "Overlay" means the addition of a new area code serving the same geographic area as the existing area code.

II. The ~~[commission]~~ **department** should promote and adopt telephone number conservation measures to the maximum extent allowed by federal law for area code 603 and any subsequently assigned New Hampshire area codes.

III. The ~~[commission]~~ **department** should adopt measures, to the maximum extent allowable by federal law and availability of technology, to provide that all customers of all suppliers have equitable access to all currently available unassigned telephone numbers and equitable access to numbers that have not been assigned to a customer which are available for porting to a second

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supplier. Blocks of telephone numbers that are currently assigned but may be retrievable if thousands number block pooling becomes available should be assigned on an equitable basis to all suppliers.

IV. The ~~[commission]~~ **department** should adopt measures, to the maximum extent allowable by federal law and availability of technology, to provide for local number portability by all suppliers of local exchange service.

V. To the extent that any one competitor is responsible for managing a pool of numbers which is to be assigned to customers of that competitor and other competitors, the ~~[commission]~~ **department** should adopt policies to require that the assignment and management of the numbers be kept segregated from the marketing portion of that competitor.

VI. When determining whether to implement a new area code via geographic split or overlay the ~~[commission]~~ **department** should consider, but not be limited to, the following criteria when determining the public interest:

- (a) Which method best minimizes customer disruption from having to change numbers;
- (b) Which method is the least costly for business and residents;
- (c) Which method best minimizes customer confusion;
- (d) Which method is the least costly for providers to implement;
- (e) Which method most effectively conserves the total pool of telephone numbers once a new area code is created;
- (f) Which method minimizes geographic controversy;
- (g) Which method is most equitable to every resident and business in New Hampshire;
- (h) Which method minimizes repeating the disruption of area code changes in the future;
- (i) Which method best ensures public safety;
- (j) Which method is more competitively neutral; and
- (k) Which method utilizes best available technology and comprehensive telecommunications planning.

279 Renewable Energy and Energy Efficiency Project Loan Programs. Amend RSA 374:61 to read as follows:

374:61 Renewable Energy and Energy Efficiency Project Loan Programs. ` A public utility may seek ~~[commission]~~ authorization **from the department of energy**, either individually or in combination with other public utilities, to establish loan, financing, or cost amortization programs for owners and tenants of residential, public, nonprofit, and business property to finance or otherwise amortize cost effective fuel neutral renewable energy and energy efficiency investments and improvements to the owner's or tenant's premises. The total amount loaned in such programs shall not exceed \$5,000,000. The ~~[commission]~~ **department** shall authorize terms, conditions, and tariffs for the repayment of such loans and financed or underwritten investments and improvements through charges billed through and that run with the meter or meters assigned to the location where

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1 the investments are located, provided that such investments or improvements to a tenant's premises
2 are only made with the written consent of the owner or the owner's authorized management
3 representative. Pursuant to RSA 477:4-h, the owner, seller, lessor, or transferor of any real property
4 subject to unamortized or ongoing charges under such a tariff shall disclose such fact to a prospective
5 buyer, lessee, or occupant who might be responsible for paying such charges as a condition of utility
6 service. A public utility may not finance these loan, financing, or cost amortization programs
7 through its rate base, nor earn its regulated rate of return on such program investments and
8 improvements to the owner's or tenant's premises, unless such investment is approved as part of a
9 strategy for minimizing transmission and distributions costs pursuant to RSA 374-G.

10 280 Electric Utility Restructuring; Purpose. Amend RSA 374-F:1, III to read as follows:

11 III. The following interdependent policy principles are intended to guide the New
12 Hampshire public utilities commission *and the department of energy* in implementing a statewide
13 electric utility industry restructuring plan, in establishing interim stranded cost recovery charges, in
14 approving each utility's compliance filing, in streamlining administrative processes to make
15 regulation more efficient, and in regulating a restructured electric utility industry. In addition,
16 these interdependent principles are intended to guide the New Hampshire general court and the
17 department of environmental services and other state agencies in promoting and regulating a
18 restructured electric utility industry.

19 281 New Paragraph; Definitions. Amend RSA 374-F:2 by inserting after paragraph I-a the
20 following new paragraph:

21 I-b. "Department" means the department of energy.

22 282 Restructuring Policy Principles; Implementation. Amend RSA 374-F:3 and 374-F:4 to read
23 as follows:

24 374-F:3 Restructuring Policy Principles.

25 I. System Reliability. Reliable electricity service must be maintained while ensuring public
26 health, safety, and quality of life.

27 II. Customer Choice. Allowing customers to choose among electricity suppliers will help
28 ensure fully competitive and innovative markets. Customers should be able to choose among options
29 such as levels of service reliability, real time pricing, and generation sources, including
30 interconnected self generation. Customers should expect to be responsible for the consequences of
31 their choices. The ~~[commission]~~ **department** should ensure that customer confusion will be
32 minimized and customers will be well informed about changes resulting from restructuring and
33 increased customer choice.

34 III. Regulation and Unbundling of Services and Rates. When customer choice is introduced,
35 services and rates should be unbundled to provide customers clear price information on the cost
36 components of generation, transmission, distribution, and any other ancillary charges. Generation
37 services should be subject to market competition and minimal economic regulation and at least

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1 functionally separated from transmission and distribution services which should remain regulated
2 for the foreseeable future. However, distribution service companies should not be absolutely
3 precluded from owning small scale distributed generation resources as part of a strategy for
4 minimizing transmission and distribution costs. Performance based or incentive regulation should
5 be considered for transmission and distribution services. Upward revaluation of transmission and
6 distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers
7 who do not own transmission and distribution facilities, should, at a minimum, be registered with
8 the commission *and the department*.

9 IV. Open Access to Transmission and Distribution Facilities. Non-discriminatory open
10 access to the electric system for wholesale and retail transactions should be promoted.
11 Comparability should be assured for generators competing with affiliates of groups supplying
12 transmission and distribution services. Companies providing transmission services should file at the
13 FERC or with the commission, *or with the department of energy*, as appropriate, comparable
14 service tariffs that provide open access for all competitors. The commission *and the department*
15 should monitor companies providing transmission or distribution services and take necessary
16 measures to ensure that no supplier has an unfair advantage in offering and pricing such services.

17 V. Universal Service.

18 (a) Electric service is essential and should be available to all customers. A utility
19 providing distribution services must have an obligation to connect all customers in its service
20 territory to the distribution system. A restructured electric utility industry should provide adequate
21 safeguards to assure universal service. Minimum residential customer service safeguards and
22 protections should be maintained. Programs and mechanisms that enable residential customers
23 with low incomes to manage and afford essential electricity requirements should be included as a
24 part of industry restructuring.

25 (b) As competitive markets emerge, customers should have the option of stable and
26 predictable ceiling electricity prices through a reasonable transition period, consistent with the near
27 term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition
28 service should be available for at least one but not more than 5 years after competition has been
29 certified to exist in at least 70 percent of the state pursuant to RSA 38:36, for customers who have
30 not yet chosen a competitive electricity supplier. Transition service should be procured through
31 competitive means and may be administered by independent third parties. The price of transition
32 service should increase over time to encourage customers to choose a competitive electricity supplier
33 during the transition period. Such transition service should be separate and distinct from default
34 service.

35 (c) Default service should be designed to provide a safety net and to assure universal
36 access and system integrity. Default service should be procured through the competitive market and
37 may be administered by independent third parties. Any prudently incurred costs arising from

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1 compliance with the renewable portfolio standards of RSA 362-F for default service or purchased
2 power agreements shall be recovered through the default service charge. The allocation of the costs
3 of administering default service should be borne by the customers of default service in a manner
4 approved by the commission. If the ~~[commission]~~ **department** determines it to be in the public
5 interest, the ~~[commission]~~ **department** may implement measures to discourage misuse, or long-term
6 use, of default service. Revenues, if any, generated from such measures should be used to defray
7 stranded costs.

8 (d) The commission should establish transition and default service appropriate to the
9 particular circumstances of each jurisdictional utility.

10 (e) Notwithstanding any provision of subparagraphs (b) and (c), as competitive markets
11 develop, the commission may approve alternative means of providing transition or default services
12 which are designed to minimize customer risk, not unduly harm the development of competitive
13 markets, and mitigate against price volatility without creating new deferred costs, if the commission
14 determines such means to be in the public interest.

15 (f)(1) For purposes of subparagraph (f), "renewable energy source" (RES) means a source
16 of electricity, as defined in RSA 362-F:2, XV, that would qualify to receive renewable energy
17 certificates under RSA 362-F, whether or not it has been designated as eligible under RSA 362-F:6,
18 III.

19 (2) A utility shall provide to its customers one or more RES options, as approved by
20 the commission, which may include RES default service provided by the utility or the provision of
21 retail access to competitive sellers of RES attributes. Costs associated with selecting an RES option
22 should be paid for by those customers choosing to take such option. A utility may recover all
23 prudently incurred administrative costs of RES options from all customers, as approved by the
24 commission.

25 (3) RES default service should have either all or a portion of its service attributable
26 to a renewable energy source component procured by the utility, with any remainder filled by
27 standard default service. The price of any RES default service shall be approved by the commission.

28 (4) Under any option offered, the customer shall be purchasing electricity generated
29 by renewable energy sources or the attributes of such generation, either in connection with or
30 separately from the electricity produced. The regional generation information system of energy
31 certificates administered by the ISO-New England and the New England Power Pool (NEPOOL)
32 should be considered at least one form of certification that is acceptable under this program.

33 (5) A utility that is required by statute to provide default service from its generation
34 assets should use any of its owned generation assets that are powered by renewable energy for the
35 provision of standard default service, rather than for the provision of a renewable energy source
36 component.

(6) Utilities should include educational materials in their normal communications to their customers that explain the RES options being offered and the health and environmental benefits associated with them. Such educational materials should be compatible with any environmental disclosure requirements established by the ~~commission~~ **department**.

(7) For purposes of consumer protection and the maintenance of program integrity, reasonable efforts should be made to assure that the renewable energy source component of an RES option is not separately advertised, claimed, or sold as part of any other electricity service or transaction, including compliance with the renewable portfolio standards under RSA 362-F.

(8) If RES default service is not available for purchase at a reasonable cost on behalf of consumers choosing an RES default service option, a utility may, as approved by the commission, make payments to the renewable energy fund created pursuant to RSA 362-F:10 on behalf of customers to comply with subparagraph (f).

(9) The commission shall implement subparagraph (f) through utility-specific filings. Approved RES options shall be included in individual tariff filings by utilities.

(10) A utility, with commission approval, may require that a minimum number of customers, or a minimum amount of load, choose to participate in the program in order to offer an RES option.

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission **and department** expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also

1 include funding for workforce development to minimize waiting periods for low-income energy audits
2 and weatherization.

3 VII. Full and Fair Competition. Choice for retail customers cannot exist without a range of
4 viable suppliers. The rules that govern market activity should apply to all buyers and sellers in a
5 fair and consistent manner in order to ensure a fully competitive market.

6 VIII. Environmental Improvement. Continued environmental protection and long term
7 environmental sustainability should be encouraged. Increased competition in the electric industry
8 should be implemented in a manner that supports and furthers the goals of environmental
9 improvement. Over time, there should be more equitable treatment of old and new generation
10 sources with regard to air pollution controls and costs. New Hampshire should encourage equitable
11 and appropriate environmental regulation, based on comparable criteria, for all electricity
12 generators, in and out of state, to reduce air pollution transported across state lines and to promote
13 full, free, and fair competition. As generation becomes deregulated, innovative market-driven
14 approaches are preferred to regulatory controls to reduce adverse environmental impacts. Such
15 market approaches may include valuing the costs of pollution and using pollution offset credits.

16 IX. Renewable Energy Resources. Increased future commitments to renewable energy
17 resources should be consistent with the New Hampshire energy policy as set forth in RSA 378:37
18 and should be balanced against the impact on generation prices. Over the long term, increased use
19 of cost-effective renewable energy technologies can have significant environmental, economic, and
20 security benefits. To encourage emerging technologies, restructuring should allow customers the
21 possibility of choosing to pay a premium for electricity from renewable resources and reasonable
22 opportunities to directly invest in and interconnect decentralized renewable electricity generating
23 resources.

24 X. Energy Efficiency. Restructuring should be designed to reduce market barriers to
25 investments in energy efficiency and provide incentives for appropriate demand-side management
26 and not reduce cost-effective customer conservation. Utility sponsored energy efficiency programs
27 should target cost-effective opportunities that may otherwise be lost due to market barriers.

28 XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that
29 are expected to produce lower prices for all customers than would have been paid under the current
30 regulatory system. Given New Hampshire's higher than average regional prices for electricity,
31 utilities, in the near term, should work to reduce rates for all customers. To the greatest extent
32 practicable, rates should approach competitive regional electric rates. The state should recognize
33 when state policies impose costs that conflict with this principle and should take efforts to mitigate
34 those costs. The unique New Hampshire issues contributing to the highest prices in New England
35 should be addressed during the transition, wherever possible.

36 XII. Recovery of Stranded Costs.

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1 (a) It is the intent of the legislature to provide appropriate tools and reasonable
2 guidance to the commission in order to assist it in addressing claims for stranded cost recovery and
3 fulfilling its responsibility to determine rates which are equitable, appropriate, and balanced and in
4 the public interest. In making its determinations, the commission shall balance the interests of
5 ratepayers and utilities during and after the restructuring process. Nothing in this section is
6 intended to provide any greater opportunity for stranded cost recovery than is available under
7 applicable regulation or law on the effective date of this chapter.

8 (b) Utilities should be allowed to recover the net nonmitigatable stranded costs
9 associated with required environmental mandates currently approved for cost recovery, and power
10 acquisitions mandated by federal statutes or RSA 362-A.

11 (c) Utilities have had and continue to have an obligation to take all reasonable measures
12 to mitigate stranded costs. Mitigation measures may include, but shall not be limited to:

13 (1) Reduction of expenses.

14 (2) Renegotiation of existing contracts.

15 (3) Refinancing of existing debt.

16 (4) A reasonable amount of retirement, sale, or write-off of uneconomic or surplus
17 assets, including regulatory assets not directly related to the provision of electricity service.

18 (d) Stranded costs should be determined on a net basis, should be verifiable, should not
19 include transmission and distribution assets, and should be reconciled to actual electricity market
20 conditions from time to time. Any recovery of stranded costs should be through a nonbypassable,
21 nondiscriminatory, appropriately structured charge that is fair to all customer classes, lawful,
22 constitutional, limited in duration, consistent with the promotion of fully competitive markets and
23 consistent with these principles. Entry and exit fees are not preferred recovery mechanisms.
24 Charges to recover stranded costs should only apply to customers within a utility's retail service
25 territory, except for such costs that have resulted from the provision of wholesale power to another
26 utility. The charges should not apply to wheeling-through transactions.

27 XIII. Regionalism. New England Power Pool (NEPOOL) should be reformed and efforts to
28 enhance competition and to complement industry restructuring on a regional basis should be
29 encouraged. New Hampshire should work with other New England and northeastern states to
30 accomplish the goals of restructuring. Working with other regional states, New Hampshire should
31 assert maximum state authority over the entire electric industry restructuring process. While it is
32 desirable to design and implement a restructured industry in concert with the other New England
33 and northeastern states, New Hampshire should not unnecessarily delay its timetable. Any pool
34 structure adopted for the restructured industry should not preclude bilateral contracts with pool and
35 non-pool services and should not preclude ancillary pool services from being obtained from non-pool
36 sources.

1 XIV. Administrative Processes. The commission *and the department* should adapt [its]
2 *their* administrative processes to make regulation more efficient and to enable competitors to adapt
3 to changes in the market in a timely manner. The market framework for competitive electric service
4 should, to the extent possible, reduce reliance on administrative process. New Hampshire should
5 move deliberately to replace traditional planning mechanisms with market driven choice as the
6 means of supplying resource needs.

7 XV. Timetable. The commission should seek to implement full customer choice among
8 electricity suppliers in the most expeditious manner possible, but may delay such implementation in
9 the service territory of any electric utility when implementation would be inconsistent with the goal
10 of near-term rate relief, or would otherwise not be in the public interest.

11 374-F:4 Implementation.

12 I. The commission is authorized to require the implementation of retail choice of electric
13 suppliers for all customer classes of utilities providing retail electric service under its jurisdiction.
14 The commission shall require such implementation at the earliest date determined to be in the
15 public interest by the commission. However, in no event may the implementation be delayed beyond
16 July 1, 1998 without legislative approval or a finding of public interest by the commission that delay
17 is required due to events beyond the control of the commission or that implementation of retail
18 choice within the service territory of any electric utility would be inconsistent with the goal of near-
19 term rate relief or would otherwise not be in the public interest. In the event that implementation of
20 retail choice is delayed in the service territory of an electric utility, the electric utility shall continue
21 to provide reliable retail service at the lowest reasonable cost in accordance with state law. In
22 addition, at the earliest practical date, the commission should make effective the unbundling of
23 components of rates into at least distribution, transmission, and generation for each jurisdictional
24 utility.

25 II. Upon the effective date of this chapter, the commission shall undertake a generic
26 proceeding to develop a statewide industry restructuring plan in accordance with the above
27 principles, and shall, after public hearings, issue a final order no later than February 28, 1997. In
28 its order, the commission shall establish the interim stranded cost recovery charge for each electric
29 utility as provided in paragraph VI.

30 III. The commission shall require all electric utilities subject to its jurisdiction to submit
31 compliance filings *to the department of energy*, which shall include open access tariffs and such
32 other information as the commission may require, no later than June 30, 1997. The [commission]
33 *department* shall investigate and *the commission* shall approve utility compliance filings, subject
34 to modification by the commission if necessary, after public hearing and subject to a finding that the
35 filings are in the public interest and substantially consistent with the principles established in this
36 chapter.

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1 IV. A utility having less than a 50 percent share of statewide retail electric distribution
2 sales (measured in kilowatt hours per year) may seek a ruling by the commission that it is in the
3 public interest that implementation of such utility's compliance filing be deferred until compliance
4 filings representing 70 percent of retail electric sales have been or are being implemented.

5 V. The commission is authorized to allow utilities to collect a stranded cost recovery charge,
6 subject to its determination in the context of a rate case or adjudicated settlement proceeding that
7 such charge is equitable, appropriate, and balanced, is in the public interest, and is substantially
8 consistent with these interdependent principles. The burden of proof for any stranded cost recovery
9 claim shall be borne by the utility making such claim.

10 VI.(a) In order to facilitate the rapid transition to full competition, the commission is
11 authorized, in its generic restructuring order as provided in paragraph II, to set, without a formal
12 rate case proceeding, an interim stranded cost recovery charge for each electric utility. Such interim
13 stranded cost recovery charges shall be effective for not more than 2 years from the implementation
14 of utility compliance filings and shall be based on the commission's preliminary determination of an
15 equitable, appropriate, and balanced measure of stranded cost recovery that takes into account the
16 near term rate relief principle, is in the public interest, and is substantially consistent with these
17 interdependent principles. The commission shall also consider the potential for future rate impacts
18 due to possible differences between interim stranded cost recovery charges and charges that may
19 finally be approved for stranded cost recovery.

20 (b) Any utility may seek adjustment of the interim stranded cost recovery charge at any
21 time based on severe financial hardship, as determined by the commission. The setting of an interim
22 stranded cost recovery charge shall establish no legal, factual, or policy precedent with respect to the
23 final determination of stranded cost recovery by the commission in any subsequent administrative or
24 judicial proceeding.

25 VII. The interim stranded cost recovery charge established for a utility as provided in
26 paragraph VI may also be adjusted based upon the outcome of rate case proceedings to adjudicate
27 claims for stranded cost recovery pursuant to paragraph V of this section. Any amounts approved by
28 the commission for stranded cost recovery shall be net of amounts previously collected through
29 interim stranded cost recovery charges.

30 VIII.(a) The commission is authorized to order such charges and other service provisions and
31 to take such other actions that are necessary to implement restructuring and that are substantially
32 consistent with the principles established in this chapter. The commission is authorized to require
33 that distribution and electricity supply services be provided by separate affiliates.

34 (b) [Repealed.]

35 (c) The portion of the system benefits charge due to programs for low-income customers
36 shall not exceed 1.5 mills per kilowatt hour. If the commission determines that the low-income
37 program fund has accumulated an excess of \$1,000,000 and that the excess is not likely to be

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1 substantially reduced over the next 12 months, it shall suspend collection of some or all of this
2 portion of the system benefits charge for a period of time it deems reasonable.

3 (d) [Repealed.]

4 (e) Targeted conservation, energy efficiency, and load management programs and
5 incentives that are part of a strategy to minimize distribution costs may be included in the
6 distribution charge or the system benefits charge, provided that system benefits charge funds are
7 only used for customer-based energy efficiency measures, and such funding shall not exceed 10
8 percent of the energy efficiency portion of a utility's annual system benefits charge funds. A proposal
9 for such use of system benefits charge funds shall be presented to the commission for approval. Any
10 such approval shall initially be on a pilot program basis and the results of each pilot program
11 proposal shall be subject to evaluation by the commission.

12 (f) Beginning in 2000, the commission *and the department* shall submit a report to the
13 legislative oversight committee to monitor the transformation of delivery of electric services by
14 October 1 of each year. The report shall concern the results and effectiveness of the system benefits
15 charge.

16 (g) [Repealed.]

17 VIII-a. Any electric utility that collects funds for energy efficiency programs that are subject
18 to the commission's approval, shall include in its plans to be submitted to the commission program
19 design, and/or enhancements, and estimated participation that maximize energy efficiency benefits
20 to public schools, including measures that help enhance the energy efficiency of public school
21 construction or renovation projects that are designed to improve indoor air quality. The report
22 required under RSA 374-F:4, VIII(f) shall include the results and effectiveness of the energy
23 efficiency programs for schools and, in addition to other requirements, be submitted to the
24 commissioner of the department of education.

25 IX. An electricity supplier shall be eligible to compete, subject to necessary limitations
26 established by the commission, for open access customers only if affiliated utilities file comparable
27 open access transmission and distribution rates with the FERC or the commission, or both as
28 appropriate, for all of their transmission facilities in New Hampshire and to the extent practicable,
29 all of their distribution facilities in New Hampshire.

30 X. Nothing in this chapter shall be construed to prohibit the commission from otherwise
31 exercising its lawful authority under title 34, in proceedings which relate to the introduction of
32 competition in the retail electric utility industry including the retention of experts and consultants to
33 assist the commission in its investigations and the assessment of such costs against utilities and any
34 other parties to the proceedings, consistent with RSA 365:37 and RSA 365:38.

35 XI. Any administrative or adjudicative proceeding or public hearing relating to this chapter
36 shall be subject to the provisions of RSA 541-A.

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1 XII. To the extent that the provisions of this chapter are applicable to rural electric
2 cooperatives for which a certificate of deregulation is on file with the commission, the commission
3 shall exercise its authority with regard to such deregulated rural electric cooperatives only when and
4 to the extent that the commission finds, after notice and hearing, that such action is required to
5 ensure that such deregulated rural electric cooperatives do not act in a manner which is inconsistent
6 with the restructuring policy principles of RSA 374-F:3. The commission shall have the authority to
7 require that such deregulated rural electric cooperatives participate in proceedings, answer
8 commission *and department* for information and file such reports as may be reasonably necessary
9 to permit the commission to make an informed finding concerning the relevant restructuring policy
10 principle actions of such deregulated rural electric cooperatives. Absent such a finding by the
11 commission, the active role of assuring that the restructuring policy principles are appropriately
12 addressed within their service territories shall be reserved to the deregulated rural electric
13 cooperatives. Notwithstanding the foregoing, deregulated rural electric cooperatives shall be subject
14 to the commission's jurisdiction with regard to those provisions of RSA 374-F pertaining to stranded
15 cost recovery, customer choice, open access tariffs, default service, energy efficiency, and low income
16 programs to the same extent as other public utilities.

17 283 Oversight Committee; Report. Amend RSA 374-F:5, III to read as follows:

18 III. The committee shall provide an interim report on or before April 1, and an annual report
19 on or before November 1 to the governor, the speaker of the house, the senate president, the state
20 library, ~~and~~ the public utilities commission, *and the department of energy* on activities before
21 the public utilities commission and other cognizant state agencies in regard to evolving changes in
22 the provision of electric services to New Hampshire customers, including modernization of the
23 electric grid, development of technologies for electric storage, electrification of transportation, the
24 growth of distributed generation, the commission's role in a deregulated market, and such matters
25 as may arise that may present opportunities to improve the delivery of electric services or to reduce
26 cost.

27 284 Competitive Electricity Supplier Requirements; Participation in Regional Activities. Amend
28 RSA 374-F:7 and 374-F:8 to read as follows:

29 374-F:7 Competitive Electricity Supplier Requirements.

30 I. Competitive energy suppliers are not public utilities pursuant to RSA 362:2, though a
31 competitive energy supplier may seek public utility status from the commission if it so chooses.
32 Notwithstanding a competitive energy supplier's non-utility status, the commission is authorized to
33 establish requirements, excluding price regulation, for competitive electricity suppliers, including
34 registration, registration fees, customer information, disclosure, standards of conduct, and consumer
35 protection and assistance requirements. Unless electing to do so, an electricity supplier that offers
36 or sells at retail to consumers within this state products and services that can lawfully be made
37 available to such consumers by more than one supplier shall not, because of such offers or sales, be

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1 deemed to be a public utility as defined by RSA 362:2. These requirements shall be applied in a
2 manner consistent with the restructuring principles of this chapter to promote competition among
3 electricity suppliers.

4 II. Aggregators of electricity load that do not take ownership of power or other services and
5 do not represent any supplier interest are not public utilities pursuant to RSA 362:2, but shall notify
6 the commission of their intent to do business. Municipalities that aggregate electric power or energy
7 services for their citizens pursuant to RSA 53-E are not public utilities pursuant to RSA 362:2 and
8 are not subject to the provisions of paragraph III and RSA 374-F:4-b.

9 III. The ***department may investigate and petition the*** commission [~~may~~] ***to*** assess fines
10 against, revoke the registration of, order the rescission of contracts with residential customers of,
11 order restitution to the residential customers of, and prohibit from doing business in the state any
12 competitive electricity supplier, including any aggregator or broker, which is found to have:

13 (a) Engaged in any unfair or deceptive acts or practices in the marketing, sale, or
14 solicitation of electricity supply or related services;

15 (b) Violated the requirements of this section or any other provision of this title
16 applicable to competitive electricity suppliers; or

17 (c) Violated any rule adopted by the commission pursuant to paragraph V and RSA 374-
18 F:4-b.

19 IV. As a condition of operation, for a 2-year interim period from the date that competition is
20 implemented in one or more areas of the state, competitive energy suppliers and load aggregators
21 shall submit to the jurisdiction of the commission for mediation and resolution of disputes between
22 customers and competitive energy suppliers or aggregators. Municipalities that aggregate electric
23 power or energy service for their citizens pursuant to RSA 53-E are not subject to this paragraph.

24 V. The commission ***and department*** shall adopt rules, under RSA 541-A, to implement this
25 section. Where the commission [~~has~~] ***and department have*** adopted rules in conformity with this
26 section, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or
27 RSA 541-A:29-a.

28 374-F:8 Participation in Regional Activities. The [~~commission~~] ***department*** shall advocate for
29 New Hampshire interests before the Federal Energy Regulatory Commission and other regional and
30 federal bodies. The commission shall participate in the activities of the New England Conference of
31 Public Utility Commissioners, ***and the department shall participate in the activities of*** the
32 National Association of Regulatory Utility Commissioners, [~~and~~] the New England States Committee
33 on Electricity, or other similar organizations, and work with the New England Independent System
34 Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale
35 electric issues, including policy goals relating to fuel diversity, renewable energy, and energy
36 efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable
37 transmission system at just and reasonable prices. The [~~commission~~] ***department*** shall advocate

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1 against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or
2 laws of New Hampshire. In its participation in regional activities, the commission *and the*
3 *department* shall consider how other states' policies will impact New Hampshire rates and work to
4 prevent or minimize any rate impact the commission *or department* determines to be unjust or
5 unreasonable.

6 285 Offshore Wind and Port Development; Commission Established; Membership. Amend RSA
7 374-F:10, II(c) to read as follows:

8 (c) The ~~[director of the office of strategic initiatives]~~ *commissioner of the department*
9 *of energy*, or designee.

10 285-a Reference Changed; Office of Offshore Wind Industry Development. Amend RSA 374-
11 F:10, VI to read as follows:

12 VI. The commission shall receive staff support and other services, including research and
13 facilities assessments, from the department of business and economic affairs, office of offshore wind
14 industry development established in RSA ~~[12-O:51]~~ *12-P:7-b*.

15 286 Definitions Amend RSA 374-H:1, I to read as follows:

16 I. ~~["Commission"]~~ *"Department"* means the ~~[public utilities commission]~~ *department of*
17 *energy*.

18 287 Investigation of Energy Storage. Amend RSA 374-H:2 to read as follows:

19 374-H:2 ~~[Commission]~~ *Department* Investigation of Energy Storage.

20 I. Within 30 days of the effective date of this chapter, the ~~[commission]~~ *department* shall
21 ~~[initiate a proceeding to investigate]~~ *conduct an investigation into* ways to enable energy storage
22 projects to receive compensation for avoided transmission and distribution costs, including but not
23 limited to avoided regional and local network service charges, while also participating in wholesale
24 energy markets. The ~~[commission]~~ *department* shall investigate how this might be done for both
25 utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter
26 storage and front-of-the-meter storage.

27 II. The ~~[commission's investigative proceeding]~~ *department's investigation* shall
28 specifically consider the following:

29 (a) How public policy can best help establish accurate and efficient price signals for
30 energy storage projects that value their ability to avoid transmission and distribution costs while
31 simultaneously reducing wholesale electricity market prices.

32 (b) How to compensate energy storage projects that participate in wholesale electricity
33 markets for avoided transmission and distribution costs in a manner that provides net savings to
34 consumers.

35 (c) How best to encourage both utility and non-utility investments in energy storage
36 projects.

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1 (d) The costs and benefits of a potential bring your own device program; how such a
2 program might be implemented; any statutory or regulatory changes that might be needed to create,
3 facilitate, and implement such a program; and whether such a program should include all
4 distributed energy resources or be limited to distributed energy storage projects.

5 (e) Any statutory changes the general court should implement, including but not limited
6 to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to
7 receive appropriate compensation for avoided transmission and distribution costs while also
8 participating in wholesale energy markets.

9 (f) Any other topic the ~~[commission]~~ **department** reasonably believes it should consider
10 in order to diligently conduct the proceeding.

11 III. The ~~[commission]~~ **department** shall report its findings and recommendations to the
12 standing committees of the house of representatives and senate with jurisdiction over energy and
13 utility matters no later than 2 years after initiating the proceeding. The report shall identify ways
14 any recommended statutory changes can minimize any potential conflict with the restructuring
15 policy principles of RSA 374-F.

16 288 Fixing of Rates by Commission; Energy Policy Act Standards. Amend RSA 378:7 and 378:7-
17 a to read as follows:

18 378:7 Fixing of Rates by Commission. Whenever the commission shall be of opinion, after a
19 hearing had upon its own motion **or on motion of the department of energy** or upon complaint,
20 that the rates, fares or charges demanded or collected, or proposed to be demanded or collected, by
21 any public utility for service rendered or to be rendered are unjust or unreasonable, or that the
22 regulations or practices of such public utility affecting such rates are unjust or unreasonable, or in
23 any wise in violation of any provision of law, or that the maximum rates, fares or charges chargeable
24 by any such public utility are insufficient, the commission shall determine the just and reasonable or
25 lawful rates, fares and charges to be thereafter observed and in force as the maximum to be charged
26 for the service to be performed, and shall fix the same by order to be served upon all public utilities
27 by which such rates, fares and charges are thereafter to be observed. The commission shall be under
28 no obligation to investigate **or hear** any rate matter which it has investigated within a period of 2
29 years, but may do so within said period at its discretion.

30 378:7-a Energy Policy Act Standards. The ~~[commission]~~ **department** may establish
31 requirements for net metering, fuel diversity, fossil fuel generation efficiency, advanced metering,
32 time-based rates, and interconnection with on-site generation facilities of customers in a manner not
33 inconsistent with section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Chapter
34 46) as amended by the Energy Policy Act of 2005.

35 289 Contracts for Advertising. Amend RSA 378:24 to read as follows:

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1 378:24 Contracts for Advertising. All advertising contracts of public utilities shall be made at
2 regular, established, commercial advertising rates; and such contracts shall be open to inspection by
3 the commission **and the department of energy** at all times.

4 290 Filing; Inspection; Temporary Rates. Amend RSA 378:26 and 378:27 to read as follows:

5 378:26 Filing; Inspection. A copy of such list for the preceding year shall be filed with the
6 commission **and the department of energy**, in such form and under such regulations as [the
7 ~~commission~~] **they** may prescribe. Such list, together with the books, records and papers of the
8 carrier so far as relevant, shall be open at all times to the inspection of the commission, who shall
9 examine the same whenever they deem it necessary to the due enforcement of this title.

10 378:27 Temporary Rates. In any proceeding involving the rates of a public utility brought either
11 upon motion of the commission **or the department of energy** or upon complaint, the commission
12 may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires,
13 immediately fix, determine, and prescribe for the duration of said proceeding reasonable temporary
14 rates; provided, however, that such temporary rates shall be sufficient to yield not less than a
15 reasonable return on the cost of the property of the utility used and useful in the public service less
16 accrued depreciation, as shown by the reports of the utility filed with the commission, unless there
17 appears to be reasonable ground for questioning the figures in such reports.

18 291 Multi-use Data Energy Platform. Amend RSA 378:50-378:52 to read as follows:

19 378:50 Definitions. In this subdivision:

20 I. "Data sharing" means providing data and accessing data provided by others.

21 II. "Individual customer data" means the customer's name, address, opt-in status pursuant
22 to RSA 374:62, energy usage as recorded by meters supplied by electric and natural gas utilities, and
23 other data segments established and authorized by the [~~commission~~] **department of energy**.

24 III. "Third party" means:

25 (a) Any service provider within the meaning of RSA 363:37, II other than a utility; and

26 (b) The office of the consumer advocate established pursuant to RSA 363:28.

27 378:51 Online Energy Data Platform Established.

28 I. The [~~commission~~] **department of energy** shall require electric and natural gas utilities to
29 establish and jointly operate a statewide, multi-use, online energy data platform. The data platform
30 shall:

31 (a) Consist of a common base of energy data for use in wide range of applications and
32 business uses.

33 (b) Adhere to specific and well-documented standards.

34 (c) Provide a user-friendly interface.

35 (d) Adhere to a common statewide logical data model that defines the relationships
36 among the various categories of data included in the platform.

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1 (e) Allow for sharing of individual customer data consistent with the opt-in requirements
2 for third-party access specified in RSA 363:38.

3 (f) Protect from unauthorized disclosure the personally identifying information of utility
4 customers in a manner that advances applicable constitutional and statutory privacy rights,
5 including the protections of RSA 363:38.

6 (g) Provide for the voluntary participation of municipal utilities and deregulated rural
7 electric cooperatives in data sharing and the operation of the online energy data platform, subject to
8 terms, conditions, and cost sharing which are reasonable and in the public interest.

9 II. The ~~[commission]~~ **department of energy** shall ~~[open an adjudicative proceeding]~~
10 **initiate rulemaking** within 90 days of the effective date of this subdivision, to ~~[which all electric~~
11 ~~and natural gas utilities shall be mandatory parties, to determine]~~ **adopt rules pertaining to:**

12 (a) Governance, development, implementation, change management, and versioning of
13 the statewide, multi-use, online energy data platform.

14 (b) Standards for data accuracy, retention, availability, privacy, and security, including
15 the integrity and uniformity of the logical data model.

16 (c) Financial security standards or other mechanisms to assure compliance with privacy
17 standards by third parties.

18 III. The ~~[commission]~~ **department of energy** shall defer the implementation of the
19 statewide, multi-use, online energy data platform pursuant to paragraph I if it determines that the
20 cost of such platform to be recovered from customers is unreasonable and not in the public interest.

21 IV. The ~~[commission]~~ **department of energy** may adopt **additional** rules pursuant to RSA
22 541-A as necessary to implement this section.

23 378:52 Platform Requirements. The utilities shall:

24 I. Design and operate the energy data platform to provide opportunities for utilities, their
25 customers, and third parties to access the online energy data platform and to participate in data
26 sharing.

27 II. Require, as a condition of accessing the online energy data platform, that a third party
28 complete a qualification and registration process to ensure that any customer data downloaded from
29 the platform remains in a safe, secure environment according to data privacy standards established
30 by the ~~[commission]~~ **department of energy**.

31 III. Administer the online energy data platform in a manner consistent with RSA 363:38.
32 292 Effective Date.

33 I. Sections 191-291 shall take effect 90 days after the passage of this act.

34 II. Unless otherwise specified, the remaining sections of this act shall take effect on July 1,
35 2021.

LBA
21-1082
3/1/21

**HB 2-FN-A-LOCAL- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

None