

**HOUSE FINANCE - DIVISION 1
HB 1 and HB 2 PROPOSED AMENDMENTS**

HB 1				
Section	Bill Page	Section Title	Recommendation	Packet Page
5	N/A	Positions Abolished; Department of Revenue Administration	Amend (0930h)	3
7	N/A	Estimates of Unrestricted Revenue	Amend (0868h)	4-5
NEW	N/A	Department of Information Technology; Appropriation (Positions)	Amend (1169h)	6
HB 2				
Section	Bill Page	Section Title	Recommendation	Packet Page
35	15	Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee River Basin Control; Expenditures.	Amend (0896h)	7
38	16	Appropriation; Department of Environmental Services; PCB Contamination.	Amend (0968h)	8
40-41	16-18	New Chapter; Office of Regulatory Review, Reduction, and Government Efficiency and appropriation	Delete (1133h)	9
42	18	New Subdivision; Historic Housing Preservation Tax Credit.	Delete (1122h)	10
43-46	19-20	New Subdivision; InvestNH Program and appropriation	Amend (1119h)	11
47-48	20	Appropriation; Affordable Housing Fund and effective date		
70	30	Appropriation; Department of Corrections; New Hampshire State Prison Fund Established.	Amend (1158h)	12
72	31	Appropriation; Department of Corrections; New Hampshire State Prison; 2024.	Delete (0936h)	13
79-80	31	Appropriation; Department of Administrative Services. (Leg. Parking Garage) and effective date	Delete (0821h)	14
84-85	32	Appropriation; Christa McAuliffe Memorial and effective date	Amend (1159h)	15
101-110	36-38	Deletes the repeal of RSA 82-A, relative to the communications service tax and all applicable references, accelerates the I&D repeal and adds contents from HB 436 as amendment	Amend (1191h)	16-28
115	40	Workers' Compensation; Payment for Second Injuries From Special Fund.	Delete (0989h)	29
266	85	Appropriation; Department of Natural and Cultural Resources; State Historic Sites Fund.	Delete (1098h)	30
267	85	Agricultural Advisory Board.	Amend (1199h)	31
285-534	90-217	New Chapter; Office of Professional Licensure and Certification.	Amend (1163h)	32-55
NEW	NEW	Office of the Consumer Advocate; Transfer Authority.	Amend (1077h)	56
NEW	NEW	New Section; Superior Court; Land Use Review Docket. (HB 347) effective July 1, 2023	Amend (0888h)	57-58
NEW	NEW	Department of Corrections Position Reallocation; Appropriation	Amend (0848h)	59
NEW	NEW	Department of Corrections Recruitment and Retention Program	Amend (0863h)	60
NEW	NEW	Department of Corrections Burial and Wake Expense	Amend (0864h)	61
NEW	NEW	Department of Agriculture, Markets and Food; Electronic processing systems. (HB 230)	Amend (0889h)	62
NEW	NEW	Prohibiting disposal of certain food waste. (HB 300)	Amend (1070h)	63-64
NEW	NEW	Department of Military Affairs & Veterans Services; National Guard Recruitment and Incentive Program.	Amend (0895h)	65-66
NEW	NEW	Food waste reduction and diversion (HB 462)	Amend (0932h)	67
NEW	NEW	New Section relative to the Liquor Commission	Amend (0884h)	68
NEW	NEW	New Section adding (HB 212) amended to use existing PFAS Remediation Fund	Amend (1063h)	69-70
NEW	NEW	Appropriation to UAAL (HB 50)	Amend (1075h)	71
NEW	NEW	Revenue Information Management amendment to RSA 21-J	Amend (1129h)	72

HOUSE FINANCE - DIVISION 1
HB 1 and HB 2 PROPOSED AMENDMENTS

HB 2				
Section	Bill Page	Section Title	Recommendation	Packet Page
NEW	NEW	Budget Trailer Bill; Transmission to the Legislature	Amend (1042h)	73
NEW	NEW	Retirement System; Supplemental Allowance (HB 571)	Amend (1160h)	74-75
NEW	NEW	Department of Administrative Services; General Fund Appropriation Lapse; Report.	Amend (1046h)	76
NEW	NEW	Administrative Services: Public Works Design and Construction amending the term in projects under RSA 21-I-:78,IX(b).	Amend (1184h)	77

Rep. Leishman, Hills. 33
March 13, 2023
2023-0930h
05/08

Amendment to HB 1-A

- 1 Amend section 5 of the bill by adding the following:
- 2
- 3 Department of Revenue Administration
- 4 01-84-84-840510-1080 18946 14473 18958

UNAPPROVED

Amendment to HB 1-A

1 Amend the bill by replacing section 7 with the following:

2

3 7 Estimates of Unrestricted Revenue.

4

5 GENERAL FUND	<u>FY 2024</u>	<u>FY 2025</u>
6 BUSINESS PROFITS TAX	\$674,200,000	\$682,600,000
7 BUSINESS ENTERPRISE TAX	<u>32,700,000</u>	<u>33,100,000</u>
8 SUBTOTAL BUSINESS TAXES	\$706,900,000	\$715,700,000
9 MEALS AND ROOMS TAX	300,200,000	309,300,000
10 TOBACCO TAX	128,600,000	126,800,000
11 TRANSFER FROM LIQUOR	135,900,000	135,600,000
12 INTEREST AND DIVIDENDS TAX	112,800,000	89,400,000
13 INSURANCE	139,000,000	142,000,000
14 COMMUNICATIONS TAX	28,900,000	28,900,000
15 REAL ESTATE TRANSFER TAX	144,100,000	144,100,000
16 COURT FINES & FEES	13,900,000	14,100,000
17 SECURITIES REVENUE	45,800,000	46,600,000
18 BEER TAX	13,200,000	13,200,000
19 OTHER REVENUES	99,000,000	94,600,000
20 MEDICAID RECOVERIES	<u>2,000,000</u>	<u>2,100,000</u>
21 TOTAL GENERAL FUND	\$1,870,300,000	\$1,862,400,000
22		
23 EDUCATION FUND	<u>FY 2024</u>	<u>FY 2025</u>
24 BUSINESS PROFITS TAX	\$165,800,000	\$167,900,000
25 BUSINESS ENTERPRISE TAX	<u>327,300,000</u>	<u>331,400,000</u>
26 SUBTOTAL BUSINESS TAXES	\$493,100,000	\$499,300,000
27 MEALS AND ROOMS TAX	9,300,000	9,600,000
28 TOBACCO TAX	85,800,000	84,600,000
29 REAL ESTATE TRANSFER TAX	70,900,000	70,900,000
30 TRANSFER FROM LOTTERY	158,000,000	163,000,000
31 TOBACCO SETTLEMENT	40,000,000	38,500,000
32 UTILITY PROPERTY TAX	43,500,000	44,100,000

Amendment to HB 1-A
- Page 2 -

1	STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
2	TOTAL EDUCATION FUND	\$1,263,700,000	\$1,273,100,000
3			
4	HIGHWAY FUND	<u>FY 2024</u>	<u>FY 2025</u>
5	GASOLINE ROAD TOLL	\$125,000,000	\$125,600,000
6	MOTOR VEHICLE FEES	133,600,000	133,500,000
7	MISCELLANEOUS	<u>200,000</u>	<u>200,000</u>
8	TOTAL HIGHWAY FUND	\$258,800,000	\$259,300,000
9			
10	FISH AND GAME FUND	<u>FY 2024</u>	<u>FY 2025</u>
11	FISH AND GAME LICENSES	\$9,800,000	\$9,800,000
12	FINES AND MISCELLANEOUS	<u>3,600,000</u>	<u>3,600,000</u>
13	TOTAL FISH AND GAME FUND	\$13,400,000	\$13,400,000

UNAPPROVED

Amendment to HB 1-A

1 Amend the bill by inserting after section 6 the following and renumbering the original sections 7-8
2 to read as 8-9, respectively:

3
4 7 Appropriation; Department of Information Technology; Chief Privacy Officer Positions.

5 I. The sum of \$248,725 for the fiscal year ending June 30, 2024, and the sum of \$263,029 for
6 the fiscal year ending June 30, 2025, are hereby appropriated to the department of information
7 technology to fund the positions of chief privacy officer and administrator II, which shall be shared
8 service positions. The source of funds for the appropriations shall be as follows:

9

	<u>FY 2024</u>	<u>FY 2025</u>
10 Federal Funds	\$54,794	\$58,024
11 General Funds	\$94,391	\$99,820
12 Liquor Fund	\$5,696	\$6,023
13 Highway Fund	\$32,583	\$34,299
14 Turnpike Fund	\$796	\$815
15 Lottery Fund	\$2,139	\$2,262
16 Fish and Game Fund	\$5,124	\$5,418
17 Other Funds	<u>\$53,202</u>	<u>\$56,367</u>
18 Total	\$248,725	\$263,029

19
20

21 II. The department of information technology, in consultation with the department of
22 administrative services, shall increase the appropriations to the class 027 expenditure class lines of
23 each state department or agency by their respective portion of these department of information
24 technology shared costs. The governor is hereby authorized to draw a warrant for the general fund
25 amounts out of any money in the treasury not otherwise appropriated.

Rep. Leishman, Hills. 33
March 9, 2023
2023-0896h
08/07

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 35 with the following:

2

3 35 Water Management and Protection; Water Pollution and Waste Disposal; Winnipesaukee
4 River Basin Control; Expenditures. Amend RSA 485-A:49, II to read as follows:

5 II. To provide funds for the municipal share of the costs involved pursuant to this
6 subdivision, the state treasurer is authorized to borrow upon the credit of the state not exceeding the
7 sum of [~~\$3,000,000~~] **\$30,000,000** and for said purposes may issue bonds and notes in the name and
8 on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Rep. Leishman, Hills. 33
March 13, 2023
2023-0968h
06/05

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 38 with the following:

2

3 38 Appropriation; Department of Environmental Services; PCB Contamination. The sum of
4 \$1,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the commissioner of the
5 department of environmental services for the purpose of assisting to fund studies, investigations and
6 remediation of PCB contamination. Such funds shall be nonlapsing to the commissioner of the
7 department of environmental services. The governor is authorized to draw a warrant for said sum
8 out of any money in the treasury not otherwise appropriated.

2023-0968h

AMENDED ANALYSIS

Analysis section 18 remains the same.

Rep. Leishman, Hills. 33
March 21, 2023
2023-1133h
10/07

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 40 and 41, relative to the Office of Regulatory Review, Reduction,
2 and Government Efficiency.

3

4

5

6

2023-1133h

AMENDED ANALYSIS

Delete para. 19

UNAPPROVED

Rep. Leishman, Hills. 33
March 20, 2023
2023-1122h
06/07

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 42, relative to historic housing preservation tax credit.

2023-1122h

AMENDED ANALYSIS

Delete:

20. Establishes a historic housing preservation tax credit.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 43-48 with the following:

2

3 43 New Subdivision; InvestNH Program. Amend RSA 12-O by inserting the following new
4 subdivision after section 68:

5

InvestNH Fund and Program

6 12-O:69 Fund established. There is hereby established in the office of the state treasurer a fund
7 to be known as the InvestNH fund. The fund shall be composed of appropriations, gifts, grants,
8 donations, bequests, or other moneys from any public or private source. The fund may be expended
9 by the commissioner to accomplish the purposes of RSA 12-O:70. The moneys in this fund shall be
10 non-lapsing.

11 12-O:70 InvestNH Program. The department shall establish a program to make grants for the
12 purpose of accelerating the approval and construction of workforce housing, as defined in RSA
13 674:58, IV, and other types of housing determined by the department to be important for the
14 economic development of the state. Grants may be made by the department to municipalities. The
15 program shall be known as the InvestNH program. The department shall adopt rules pursuant to
16 RSA 541-A to implement the provisions of this subdivision no later than July 1, 2024.

17 44 New Subparagraph; Application of Receipts; InvestNH Program. Amend RSA 6:12, I(b) by
18 inserting after subparagraph (387) the following new subparagraph:

19

(388) Moneys deposited in the InvestNH fund as established in RSA 12-O:69.

20

21 45 Appropriation; InvestNH. The sum of \$15,000,000 for the for the fiscal year ending June 30,
22 2023 is hereby appropriated to the InvestNH fund established in RSA 12-O:69 for the purposes set
23 forth in RSA 12-O:70. The sum appropriated shall be nonlapsing. The governor is authorized to
draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

24

46 Effective Date. Section 45 of this act shall take effect June 30, 2023.

25

26 47 Appropriation; Affordable Housing Fund. The sum of \$15,000,000 for the fiscal year ending
27 June 30, 2023, is hereby appropriated to the housing finance authority for deposit in the affordable
28 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
29 funds for affordable housing. The appropriation shall be in addition to any other funds appropriated
30 to the housing finance authority and shall be nonlapsing. The governor is authorized to draw a
warrant for said sum out of any money in the treasury not otherwise appropriated.

31

48 Effective Date. Section 47 of this act shall take effect June 30, 2023.

Amendment to HB 2-FN-A-LOCAL

1 Replace section 70 with the following:

2

3 70 Appropriation; Department of Corrections; New Hampshire State Prison; 2023. There is
4 hereby appropriated to the department of corrections the sum of \$10,000,000 for the fiscal year
5 ending June 30, 2023 for deposit in the state prison fund under RSA 21-H:17, for the purpose of
6 preliminary design and complete site survey for a new state prison. The sum appropriated shall not
7 lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury
8 not otherwise appropriated.

UNAPPROVED

Rep. Leishman, Hills. 33
March 13, 2023
2023-0936h
02/10

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 72.
- 2
- 3
- 4 2023-0936h

AMENDED ANALYSIS

no analysis change

UNAPPROVED

Rep. Leishman, Hills. 33
March 7, 2023
2023-0821h
07/05

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 79 and 80.

UNAPPROVED

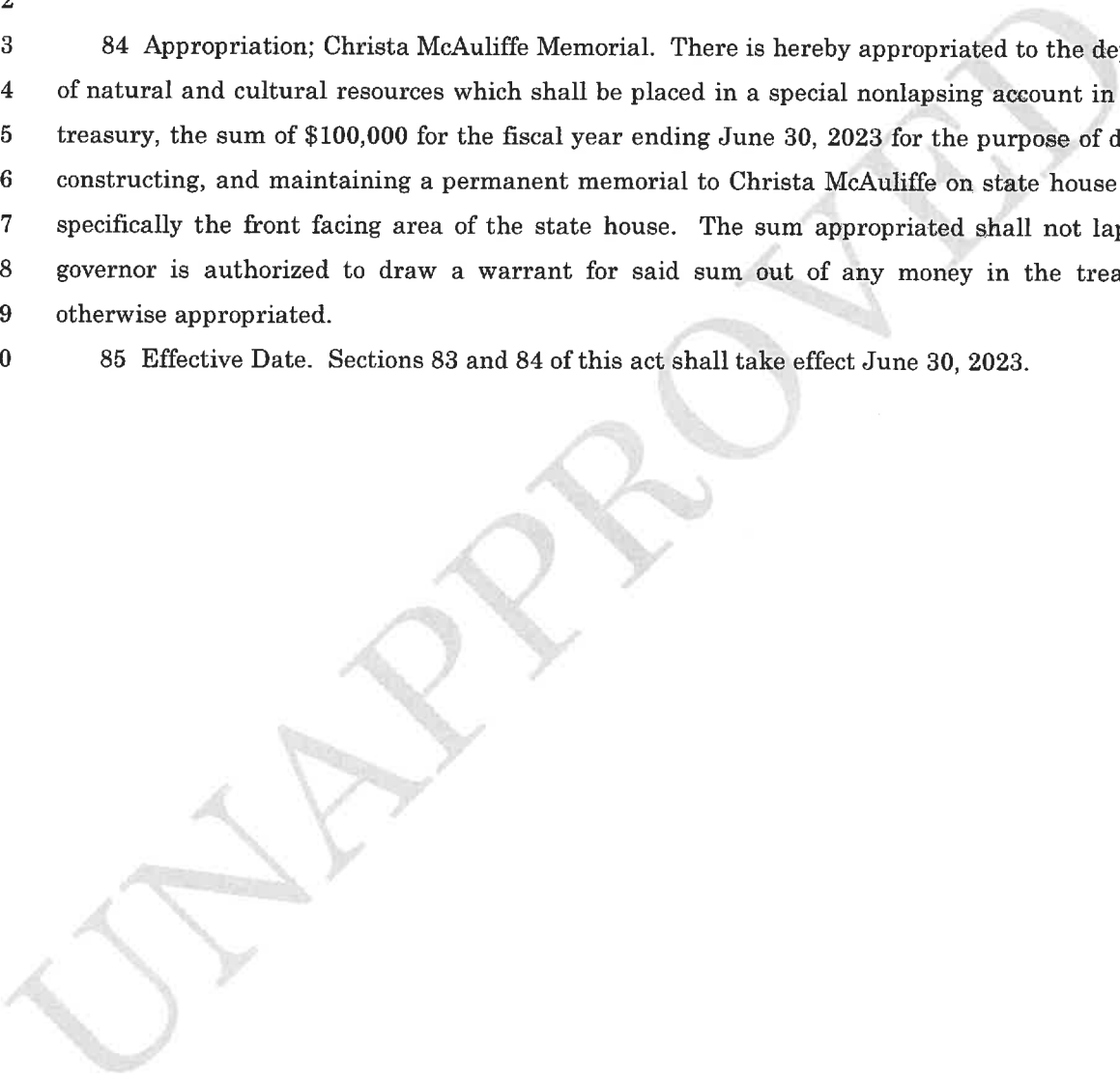
Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 84-85 with the following:

2

3 84 Appropriation; Christa McAuliffe Memorial. There is hereby appropriated to the department
4 of natural and cultural resources which shall be placed in a special nonlapsing account in the state
5 treasury, the sum of \$100,000 for the fiscal year ending June 30, 2023 for the purpose of designing,
6 constructing, and maintaining a permanent memorial to Christa McAuliffe on state house grounds,
7 specifically the front facing area of the state house. The sum appropriated shall not lapse. The
8 governor is authorized to draw a warrant for said sum out of any money in the treasury not
9 otherwise appropriated.

10 85 Effective Date. Sections 83 and 84 of this act shall take effect June 30, 2023.



Amendment to HB 2-FN-A-LOCAL

1 Insert the following sections:

2

3 1 New Paragraph; Definition; Vested. Amend RSA 100-A:1 by inserting after paragraph
4 XXXVII the following new paragraph:

5 XXXVIII. "Vested" means that a member is qualified for a benefit upon 10 years of service.
6 The calculations of earnable compensation under RSA 100-A:1, XVII and average final compensation
7 under RSA 100-A:1, XVIII cannot be reduced after 3 years of service.

8 2 Definition of Earnable Compensation; Group II. Amend RSA 100-A:1, XVII to read as follows:

9 XVII. "Earnable compensation" shall mean:

10 (a) For *group I* members who have attained vested status prior to January 1, 2012 the
11 full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday
12 and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance
13 stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers
14 and full-time employees who are employed in paraprofessional or support position, additional pay for
15 instructional activities of full-time faculty of the community college system, and any military
16 differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the
17 member for meals or living quarters if subject to federal income tax, but excluding other
18 compensation except cash incentives paid by an employer to encourage members to retire,
19 supplemental pay paid by the employer while the member is receiving workers' compensation, and
20 teacher development pay that is not part of the contracted annual salary. [~~Compensation for extra
21 and special duty, as reported by the employer, shall be included but limited during the highest 3
22 years of creditable service as provided in paragraph XVIII].~~ However, earnable compensation in the
23 final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2
24 times the higher of the earnable compensation in the 12-month period preceding the final 12 months
25 or the highest compensation year as determined for the purpose of calculating average final
26 compensation, but excluding the final 12 months. Any compensation received in the final 12 months
27 of employment in excess of such limit shall not be subject to member or employer contributions to
28 the retirement system and shall not be considered in the computation of average final compensation.
29 Provided that, the annual compensation limit for members of governmental defined benefit pension
30 plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended,
31 shall apply to earnable compensation for all employees[;] *and* teachers[~~; permanent firemen, and
32 permanent policemen~~] who first become eligible for membership in the system on or after July 1,

Amendment to HB 2-FN-A-LOCAL

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1 1996. Earnable compensation shall not include compensation in any form paid later than 120 days
2 after the member's termination of employment from a retirement eligible position, with the limited
3 exceptions of disability related severance pay paid to a member or retiree no later than 120 days
4 after a decision by the board of trustees granting the member or retiree disability retirement
5 benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid
6 within 120 days after termination but which, without the consent of the member and not through
7 any fault of the member, was paid more than 120 days after the member's termination. The member
8 shall have the burden of proving to the board of trustees that any severance payment paid later than
9 120 days after the member's termination of employment is earnable compensation and meets the
10 requirements of an asserted exception to the 120-day post-termination payment requirement.

11 (b)(1) For *group I* members who have not attained vested status prior to January 1,
12 2012, the full base rate of compensation paid, as determined by the employer, plus compensation
13 over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs
14 (2)[, (3), and (4)] **and (3)**, any overtime pay, cost of living bonus, annual attendance stipend or
15 bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-
16 time teachers and full-time employees who are employed in paraprofessional or support position,
17 additional pay for instructional activities of full-time faculty of the community college system[,
18 compensation for extra and special duty,] and any military differential pay, plus the fair market
19 value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if
20 subject to federal income tax, but excluding other compensation except supplemental pay paid by the
21 employer while the member is receiving workers' compensation and teacher development pay that is
22 not part of the contracted annual salary.

23 (2) [~~Compensation over base pay shall be limited during the highest 5 years of~~
24 ~~creditable service as provided in paragraph XVIII.~~

25 (3) Earnable compensation shall not include compensation for extra and special
26 duty for members who commence service on and after July 1, 2011.

27 (4) (3) Earnable compensation shall not include incentives to encourage members
28 to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or
29 vacation time. Earnable compensation in the final 12 months of creditable service prior to
30 termination of employment shall be limited to 1 1/2 times the higher of the earnable compensation in
31 the 12-month period preceding the final 12 months or the highest compensation year as determined
32 for the purpose of calculating average final compensation, but excluding the final 12 months. Any
33 compensation received in the final 12 months of employment in excess of such limit shall not be
34 subject to member or employer contributions to the retirement system and shall not be considered in
35 the computation of average final compensation. Provided that, the annual compensation limit for
36 members of governmental defined benefit pension plans under section 401(a)(17) of the United
37 States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all

1 employees[~~]~~ **and** teachers[~~permanent firemen, and permanent policemen~~] who first become eligible
2 for membership in the system on or after July 1, 1996. Earnable compensation shall not include
3 compensation in any form paid later than 120 days after the member's termination of employment
4 from a retirement eligible position.

5 *(c) For group II members who have attained vested status prior to January 1,*
6 *2013, the full base rate of compensation paid, as determined by the employer, plus any*
7 *overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living*
8 *bonus, annual attendance stipend or bonus, additional pay for instructional activities,*
9 *and any military differential pay, plus the fair market value of non-cash compensation*
10 *paid to, or on behalf of, the member for meals or living quarters if subject to federal income*
11 *tax, but excluding other compensation except cash incentives paid by an employer to*
12 *encourage members to retire, supplemental pay paid by the employer while the member is*
13 *receiving workers' compensation. Compensation for extra and special duty, as reported by*
14 *the employer, shall be included but limited during the highest 3 years of creditable service*
15 *as provided in paragraph XVIII. However, earnable compensation in the final 12 months*
16 *of creditable service prior to termination of employment shall be limited to 1-1/2 times the*
17 *higher of the earnable compensation in the 12-month period preceding the final 12 months*
18 *or the highest compensation year as determined for the purpose of calculating average*
19 *final compensation, but excluding the final 12 months. Any compensation received in the*
20 *final 12 months of employment in excess of such limit shall not be subject to member or*
21 *employer contributions to the retirement system and shall not be considered in the*
22 *computation of average final compensation. Provided that, the annual compensation limit*
23 *for members of governmental defined benefit pension plans under section 401(a)(17) of the*
24 *United States Internal Revenue Code of 1986, as amended, shall apply to earnable*
25 *compensation for all permanent firemen and permanent policemen who first become*
26 *eligible for membership in the system on or after July 1, 1996. Earnable compensation*
27 *shall not include compensation in any form paid later than 120 days after the member's*
28 *termination of employment from a retirement eligible position, with the limited exceptions*
29 *of disability related severance pay paid to a member or retiree no later than 120 days after*
30 *a decision by the board of trustees granting the member or retiree disability retirement*
31 *benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be*
32 *paid within 120 days after termination but which, without the consent of the member and*
33 *not through any fault of the member, was paid more than 120 days after the member's*
34 *termination. The member shall have the burden of proving to the board of trustees that*
35 *any severance payment paid later than 120 days after the member's termination of*
36 *employment is earnable compensation and meets the requirements of an asserted exception*
37 *to the 120-day post-termination payment requirement.*

1 (d)(1) *For group II members who have not attained vested status prior to*
2 *January 1, 2013, the full base rate of compensation paid, as determined by the employer,*
3 *plus compensation over base pay. Compensation over base pay shall include as applicable,*
4 *subject to subparagraphs (2), and (3), any overtime pay, cost of living bonus, annual*
5 *attendance stipend or bonus, annual longevity pay, compensation for extra and special*
6 *duty, and any military differential pay, plus the fair market value of non-cash*
7 *compensation paid to, or on behalf of, the member for meals or living quarters if subject to*
8 *federal income tax, but excluding other compensation except supplemental pay paid by the*
9 *employer while the member is receiving workers' compensation that is not part of the*
10 *contracted annual salary.*

11 (2) *Earnable compensation shall not include compensation for extra and*
12 *special duty for members who commence service on and after July 1, 2011.*

13 (3) *Earnable compensation shall not include incentives to encourage*
14 *members to retire, severance pay or end-of-career additional longevity payments, and pay*
15 *for unused sick or vacation time. Earnable compensation in the final 12 months of*
16 *creditable service prior to termination of employment shall be limited to 1 1/2 times the*
17 *higher of the earnable compensation in the 12-month period preceding the final 12 months*
18 *or the highest compensation year as determined for the purpose of calculating average*
19 *final compensation, but excluding the final 12 months. Any compensation received in the*
20 *final 12 months of employment in excess of such limit shall not be subject to member or*
21 *employer contributions to the retirement system and shall not be considered in the*
22 *computation of average final compensation. Provided that, the annual compensation limit*
23 *for members of governmental defined benefit pension plans under section 401(a)(17) of the*
24 *United States Internal Revenue Code of 1986, as amended, shall apply to earnable*
25 *compensation for all permanent firemen and permanent policemen who first become*
26 *eligible for membership in the system on or after July 1, 1996. Earnable compensation*
27 *shall not include compensation in any form paid later than 120 days after the member's*
28 *termination of employment from a retirement eligible position.*

29 3 Definition of Average Final Compensation; Group II. Amend RSA 100-A:1, XVIII to read as
30 follows:

31 XVIII. "Average final compensation" shall mean:

32 (a) For **group I** members who have attained vested status prior to January 1, 2012, the
33 average annual earnable compensation of a member during his or her highest 3 years of creditable
34 service, or during all of the years in his or her creditable service if less than 3 years. ~~[For purposes~~
35 ~~of this calculation, the inclusion of the average annual compensation for extra and special duty in~~
36 ~~the 3 years shall not exceed the average annual amount of compensation for extra and special duty~~
37 ~~paid to the member over the member's last 7 years of creditable service on or after July 1, 2000, as~~

Amendment to HB 2-FN-A-LOCAL

- Page 5 -

1 reported by the employer in accordance with RSA 100-A:16, VI, or over all of the years in his or her
2 creditable service on or after July 1, 2009 if less than 7 years.]

3 (b) *For group II members who have attained vested status prior to January 1,*
4 *2013, the average annual earnable compensation of a member during his or her highest 3*
5 *years of creditable service, or during all of the years in his or her creditable service if less*
6 *than 3 years. For purposes of this calculation, the inclusion of the average annual*
7 *compensation for extra and special duty in the 3 years shall not exceed the average annual*
8 *amount of compensation for extra and special duty paid to the member over the member's*
9 *last 7 years of creditable service on or after July 1, 2009, as reported by the employer in*
10 *accordance with RSA 100-A:16, VI, or over all of the years in his or her creditable service on*
11 *or after July 1, 2009 if less than 7 years.*

12 [(b)] (c) For group I members who commenced service on or after July 1, 2011 or who
13 have not attained vested status prior to January 1, 2012, the average annual earnable compensation
14 of a member during his or her highest 5 years of creditable service, or during all of the years in his or
15 her creditable service if less than 5 years. For purposes of inclusion in this calculation, the average
16 percentage of compensation paid in excess of the full base rate of compensation in the highest 5
17 years shall not exceed the average percentage of compensation paid in excess of the full base rate of
18 compensation over all the member's years of service on or after January 1, 2012, but excluding the
19 highest 5 years.

20 [(c)(1)] (d)(1) For group II members who commenced service prior to July 1, 2011 and
21 who have not attained vested status prior to January 1, [2012] 2013, the average annual earnable
22 compensation of a member during his or her highest 5 years of creditable service, or during all of the
23 years in his or her creditable service if less than 5 years. For purposes of inclusion in this
24 calculation, the average percentage of compensation paid in excess of the full base rate of
25 compensation in the highest 5 years shall not exceed the average percentage of compensation paid in
26 excess of the full base rate of compensation over all the member's years of service on or after
27 January 1, 2013.

28 (2) For group II members who commenced service on or after July 1, 2011 [~~and who~~
29 ~~have not attained vested status prior to January 1, 2012~~], the average annual earnable
30 compensation of a member during his or her highest 5 years of creditable service, or during all of the
31 years in his or her creditable service if less than 5 years. For purposes of inclusion in this
32 calculation, the average percentage of compensation paid in excess of the full base rate of
33 compensation in the highest 5 years shall not exceed the average percentage of compensation paid in
34 excess of the full base rate of compensation over all the member's years of service on or after
35 January 1, 2012, but excluding the highest 5 years.

36 4 Group II Service Retirement Benefits. Amend RSA 100-A:5, II to read as follows:

37 II. Group II Members.

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1 (a) Any group II member in service, who is in vested status before January 1, [2012]
2 **2013**, who has attained age 45 and completed 20 years of creditable service, and any group II
3 member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25
4 years of creditable service, and group II members who have not attained vested status prior to
5 January 1, [2012] **2013** as provided in the transition provisions in RSA 100-A:5, II(d), or any group II
6 member in service who has attained age 60 regardless of the number of years of creditable service,
7 may retire on a service retirement allowance upon written application to the board of trustees
8 setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing
9 thereof the member desires to be retired, notwithstanding that during such period of notification the
10 member may have separated from service. Provided, however, that a group II member who
11 commenced service on or after July 1, 2011 shall not receive a service retirement allowance until
12 attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at
13 least 25 years of creditable service where the allowance shall be reduced, for each month by which
14 the date on which benefits commence precedes the month after which the member attains 52.5 years
15 of age, by 1/4 of one percent.

16 (b) Upon service retirement, a group II member shall receive a service retirement
17 allowance which shall consist of:

18 (1) A member annuity which shall be the actuarial equivalent of his or her
19 accumulated contributions at the time of retirement; and

20 (2) For members who are in vested status before January 1, [2012] **2013**, a state
21 annuity which, together with his or her member annuity, shall be equal to 2- 1/2 percent of his or her
22 average final compensation multiplied by the number of years of his or her creditable service not in
23 excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity
24 which, together with his or her member annuity, shall be equal to 2 percent of his or her average
25 final compensation multiplied by the number of years of his or her creditable service not in excess of
26 42.5 years, and group II members who have not attained vested status prior to January 1, [2012]
27 **2013** shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum
28 number of years of creditable service not in excess of 40.5 years.

29 (3) Provided, however, that a group II member who commenced service on or after
30 July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may
31 receive a reduced allowance after age 50 if the member has at least 25 years of creditable service
32 where the allowance shall be reduced, for each month by which the date on which benefits commence
33 precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

34 (c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member
35 who is in vested status before January 1, [2012] **2013** and has retired on or after the effective date of
36 this subparagraph after attaining the age of 45 with at least 20 years of creditable service, and any
37 group II member who commenced service on or after July 1, 2011 and retires after the effective date

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1 of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and
 2 group II members who have not attained vested status prior to January 1, ~~2012~~ **2013** who qualify
 3 as provided in the transition provisions in RSA 100-A:5, II(d), shall receive a minimum annual
 4 service retirement allowance of \$10,000. If such group II member has elected to convert the
 5 retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the
 6 surviving spouse shall be entitled to a proportional share of the \$10,000.

7 (2) [Repealed.]

8 (3) [Repealed.]

9 (d) Active group II members who commenced service prior to July 1, **2011** and who have
 10 not attained vested status prior to January 1, ~~2012~~ **2013** shall be subject to the following transition
 11 provisions for years of service required for regular service retirement, the minimum age for regular
 12 service retirement, and the multiplier used to calculate the retirement annuity~~[, which shall be~~
 13 ~~applicable on or after January 1, 2012]~~ according to the following table:

Creditable service on	Minimum years	Minimum	Annuity
January 1, 2012	of service	age attained	multiplier
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years	23	age 48	2.2%
but less than 6 years			
(3) At least 6 years but	22	age 47	2.3%
less than 8 years			
(4) At least 8 years but	21	age 46	2.4%
less than 10 years]			
(1) Less than 1 year	24	age 49	2.1%
(2) At least 1 years	24	age 49	2.1%
but less than 2 years			
(3) At least 2 years but	24	age 49	2.1%
less than 3 years			
(4) At least 3 years but	24	age 49	2.1%
less than 4 years			
(5) At least 4 years	23	age 48	2.2%
but less than 5 years			
(6) At least 5 years	23	age 48	2.2%
but less than 6 years			
(7) At least 6 years but	22	age 47	2.3%
less than 7 years			
(8) At least 7 years but	22	age 47	2.3%
less than 8 years			

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1 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
2 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
3 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (9) from the table in RSA 100-A:5, II(d).

4 8 Subsequent Changes Effective January 1, 2026; Retirement System; Group II; Date Change
5 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
6 following RSA provisions by replacing the term "January 1, 2014" with the term "January 1, 2015":
7 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
8 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
9 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
10 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (8) from the table in RSA 100-A:5, II(d).

11 9 Subsequent Changes Effective January 1, 2027; Retirement System; Group II; Date Change
12 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
13 following RSA provisions by replacing the term "January 1, 2015" with the term "January 1, 2016":
14 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
15 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
16 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
17 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (7) from the table in RSA 100-A:5, II(d).

18 10 Subsequent Changes Effective January 1, 2028; Retirement System; Group II; Date Change
19 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
20 following RSA provisions by replacing the term "January 1, 2016" with the term "January 1, 2017":
21 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
22 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
23 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
24 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (6) from the table in RSA 100-A:5, II(d).

25 11 Subsequent Changes Effective January 1, 2029; Retirement System; Group II; Date Change
26 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
27 following RSA provisions by replacing the term "January 1, 2017" with the term "January 1, 2018":
28 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
29 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
30 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
31 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (5) from the table in RSA 100-A:5, II(d).

32 12 Subsequent Changes Effective January 1, 2030; Retirement System; Group II; Date Change
33 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
34 following RSA provisions by replacing the term "January 1, 2018" with the term "January 1, 2019":
35 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
36 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) -(except table

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1 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
2 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (4) from the table in RSA 100-A:5, II(d).

3 13 Subsequent Changes Effective January 1, 2031; Retirement System; Group II; Date Change
4 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
5 following RSA provisions by replacing the term "January 1, 2019" with the term "January 1, 2020":
6 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
7 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) -(except table
8 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
9 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (3) from the table in RSA 100-A:5, II(d).

10 14 Subsequent Changes Effective January 1, 2032; Retirement System; Group II; Date Change
11 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
12 following RSA provisions by replacing the term "January 1, 2020" with the term "January 1, 2021":
13 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
14 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
15 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
16 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (2) from the table in RSA 100-A:5, II(d).

17 15 Subsequent Changes Effective January 1, 2033; Retirement System; Group II; Date Change
18 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
19 following RSA provisions as follows:

20 I. 21-I:30, VIII; remove "and group II members who have not attained vested status prior to
21 January 1, 2021 shall be as provided in the transition provisions in RSA 100-A:5, II(d)".

22 II. 100-A:1, XVII(c); replace "who have not attained vested status prior to January 1, 2021"
23 with "who commenced service prior to July 1, 2011".

24 III. 100-A:1, XVII(d)(1); replace "who have not attained vested status prior to January 1,
25 2021" with "who commenced service on or after July 1, 2011".

26 IV. 100-A:1, XVIII(b); replace "who have not attained vested status prior to January 1, 2021"
27 with "who commenced service prior to July 1, 2011".

28 V. 100-A:1, XVIII(d)(1); delete subparagraph (1).

29 VI. 100-A:1, XXXVII (b)(1) and (3); in (1), replace "in vested status before January 1, 2021"
30 with "who commenced service before July 1, 2011", and delete subparagraph (3).

31 VII. 100-A:5, II(a); replace "who is in vested status before January 1, 2021" with "who
32 commenced service prior to July 1, 2011"; delete "and group II members who have not attained
33 vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5,
34 II(d)".

35 VIII. 100-A:5, II(b)(2); replace "who is in vested status before January 1, 2021" with "who
36 commenced service prior to July 1, 2011"; delete ", and group II members who have not attained

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1 vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d)
2 with maximum number of years of credible service not in excess of 40.5 years”.

3 IX. 100-A:5, II(c)(1); replace “who is in vested status before January 1, 2021 and” with “who
4 commenced service prior to July 1, 2011”; delete “and group II members who have not attained
5 vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5,
6 II(d)”.

7 X. 100-A:5, II(d), delete the subparagraph.

8 XI. 100-A:6, II(b); replace “in vested status before January 1, 2021” with “who commenced
9 service before July 1, 2011”; delete “and group II members who have not attained vested status prior
10 to January 1, 2021 as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum
11 number of years of credible service not in excess of 40.5 years”.

12 XII. 100-A:6, II(d)(1) and (3); in (1) replace “who are in vested status before January 1, 2021”
13 with “who commenced service before July 1, 2011”, and delete subparagraph (3).

14 XIII. 100-A:10, II(b); replace “who are in vested status before January 1, 2021” with “who
15 commenced service before July 1, 2011”. Delete “and group II members who have not attained
16 vested status prior to January 1, 2021 shall be as provided in the transition provisions in RSA 100-
17 A:5, II(d)”.

18 XIV. 100-A:16, I(aa); replace “who is in vested status before January 1, 2021” with “who
19 commenced service prior to July 1, 2011”.

20 XV. 100-A:19-b, II(a) and (c); in (a) replace “who is in vested status before January 1, 2021”
21 with “who commenced service prior to July 1, 2011”, and delete subparagraph (c).

22 XVI. 100-A:19-d; replace “for members who are in vested status with Group II service before
23 January 1, 2012” with “for members who commenced service before July 1, 2011”.

24 16 Retirement System; Group II; Funding; Appropriations.

25 I. The sum of \$25,000,000 per state fiscal year is hereby appropriated to the retirement
26 system to fund the cost of benefits under this act. Such sums shall be transferred on July 1 each
27 year, with the first payment starting July 1, 2023 and the last payment occurring on July 1, 2032.

28 II. In addition, the sum necessary for the biennium ending FY 2025 for the state to cover
29 any costs incurred by political subdivisions in the implementation of the group II changes in this act
30 is hereby appropriated.

31 III. The governor is authorized to draw a warrant for said sums out of any money in the
32 treasury not otherwise appropriated.

33 17 Effective Date.

34 I. Section 7 of this act shall take effect January 1, 2025.

35 II. Section 8 of this act shall take effect January 1, 2026.

36 III. Section 9 of this act shall take effect January 1, 2027.

37 IV. Section 10 of this act shall take effect January 1, 2028.

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1 V. Section 11 of this act shall take effect January 1, 2029.

2 VI. Section 12 of this act shall take effect January 1, 2030.

3 VII. Section 13 of this act shall take effect January 1, 2031.

4 VIII. Section 14 of this act shall take effect January 1, 2032.

5 IX. Section 15 of this act shall take effect January 1, 2033.

6 X. Sections 1-6 of this act shall take effect January 1, 2024.

7
8 Amend the bill by deleting sections 101-110, relative to the communications service tax

9
10 Amend the bill by inserting the following sections:

11
12 101 Taxation of Incomes; Rate. Amend RSA 77:1 to read as follows:

13 77:1 Rate.

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

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

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

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

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

24 102 Returns for Interest and Dividends Taxes; 2027. Amend 2021, 91:100 to read as follows:

25 91:100 Returns for Interest and Dividends Taxes; ~~2027~~ 2025. All persons who are liable for a
26 tax under RSA 77 as of December 31, ~~2026~~ 2024, who thereafter are no longer liable for a tax under
27 RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of
28 revenue administration in such manner and on such forms as the commissioner shall prescribe in
29 rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to
30 permit the audit and collection of taxes upon income taxable under RSA 77 which is received by
31 persons subject to taxation under that chapter through December 31, ~~2026~~ 2024, and to permit the
32 distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the
33 payment of federal income taxes on a calendar year basis are entitled to such proportion of the
34 exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

35 103 Application; Repeal of RSA 77. Amend RSA 2021, 91:101 to read as follows:

36 91:101 Application; Repeal of RSA 77. Paragraph II of section 99 shall apply to taxable periods
37 beginning after December 31, ~~2026~~ 2024.

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- 1 104 Amend Effective Date; Amend Repeal of Interest and Dividends Tax from 2027 to 2025.
2 Amend RSA 2021, 91:102, II to read as follows:
3 II. Sections 90-100 of this act shall take effect January 1, [~~2027~~] 2025.

UNAPPROVED

Rep. Leishman, Hills. 33
March 14, 2023
2023-0989h
08/10

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 115, subsequent injury special fund payments.

2023-0989h

AMENDED ANALYSIS

no analysis change

UNAPPROVED

Rep. Leishman, Hills. 33
March 20, 2023
2023-1098h
06/05

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 266, relative to the state historic sites fund.

2023-1098h

AMENDED ANALYSIS

Delete:

101. Makes an appropriation to the department of natural and cultural resources for the bureau of historic sites fund.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Replace section 267 with the following:

2

3 267 Agricultural Advisory Board. Amend RSA 425:23 to read as follows:

4 425:23 Advisory Board; Duties. The board shall consult with and advise the commissioner of
5 agriculture, markets, and food with respect to the policies, programs, and operations of the
6 department on a continuing basis and for such purposes shall meet with the commissioner not less
7 than semi-annually at the call of the chairperson or 3 board members. ~~[The board shall designate
8 and advertise at least one meeting annually as a public hearing]~~ **At each semi-annual meeting**
9 **the board shall allow for public comment** at which interested persons may appear and be heard
10 regarding matters affecting agriculture, markets, and food and related laws. The board shall review
11 and make biennial recommendations relative to administrative, legal, and regulatory factors
12 affecting the viability of the agricultural economy. The board shall promote close coordination of the
13 activities of the department with activities of the United States Department of Agriculture,
14 Environmental Protection Agency and other federal agencies; the University of New Hampshire,
15 including cooperative extension work; other state agencies; and farm organizations of the state.
16 Upon expiration of the term of office of the commissioner of agriculture, markets, and food, or upon
17 the occurrence of a vacancy in such office, it shall be the duty of the board to submit advisory
18 recommendations to the governor and council concerning such new appointment or the filling of such
19 vacancy.

2023-1199h

AMENDED ANALYSIS

Replace:

102. Provides for public comment at the semi-annual meetings of the agricultural advisory board.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 285 through 534.

2

3 Insert the following sections:

4

5 1 Assessing Certification Board; Rulemaking and Implementation. To reduce workforce barriers
6 and provide state supervision over regulatory bodies comprised of active market participants, the
7 responsibility for implementation of RSA 310-C, relative to assessing standards, shall be transferred
8 to the executive director of the office of professional licensure and certification effective September 1,
9 2023. The executive director shall consult with the assessing certification advisory board when
10 implementing RSA 310-C. Rules in effect upon the effective date of this section shall remain in
11 effect until repealed by the executive director of the office of professional licensure and certification
12 or until the rules expire, whichever occurs first.

13 2 Assessing Certification Board; Advisory Board Established. RSA 310-C:1 is repealed and
14 reenacted to read as follows:

15 310-C:1 Assessing Certification Advisory Board.

16 I. There is established an assessing certification advisory board ("board") within the office of
17 professional licensure and certification, that shall advise the executive director of the office of
18 professional licensure and certification on the implementation of this chapter.

19 II. The board shall be composed of the following members:

20 (a) The commissioner of the department of revenue or designee;

21 (b) One certified assessor supervisor appointed by the executive director of the office of
22 professional licensure and certification; and

23 (c) One member who shall be a municipal governing body official who shall not be an
24 assessor, and who is appointed by the executive director of the office of professional licensure and
25 certification.

26 III. The members shall be appointed for 3-year terms and shall not serve more than 2 full
27 terms.

28 3 Assessing Certification Board; Rulemaking Authority. Amend the introductory paragraph of
29 RSA 310-C:17, I to read as follows:

30 I. The *executive director in consultation with the advisory* board shall adopt rules
31 pursuant to RSA 541-A, relative to:

32 4 Assessing Certification Board Repeal. The following are repealed:

Amendment to HB 2-FN-A-LOCAL

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- 1 I. RSA 310-C:9, relative to the term of certification.
- 2 II. RSA 310-C:12, I, relative to the assessing certificate.
- 3 III. RSA 310-C:13, relative to disciplinary proceedings.
- 4 IV. RSA 310-C:14, relative to hearings and investigations.
- 5 V. RSA 310-C:16, relative to summons and oaths.

6 5 Repeal. RSA 332-J, relative to athlete agents, is repealed.

7 6 Repeal. RSA 311-B:2, III and IV, relative to the members of the state board of auctioneers, is
8 repealed.

9 7 Auctioneers; State Board of Auctioneers; Transfer. To promote efficiency and economy,
10 eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate
11 customer service, the responsibility for administration of the state board of auctioneers shall be
12 transferred to the office of professional licensure and certification effective September 1, 2023.

13 8 Auctioneers; Rulemaking Authority. RSA 311-B:3 is repealed and reenacted to read as
14 follows:

15 311-B:3 Rulemaking Authority.

16 I. The board, with the approval of the executive director of the office of professional licensure
17 and certification, shall adopt rules, pursuant to RSA 541-A, relative to:

18 (a) The qualifications of applicants for initial, renewal, and reinstatement licensure in
19 addition to those requirements set by statute, and the means to be used by applicants to
20 demonstrate good professional character;

21 (b) Ethical and professional standards required to be met by each holder of a license
22 under this chapter;

23 (c) How disciplinary actions by the board shall be implemented for violations of these
24 standards and for misconduct by licensees; and

25 (d) Establishing eligibility for certificates of authorization issued under RSA 311-B:4,

26 III.

27 II. The board may adopt rules, pursuant to RSA 541-A, relative to:

28 (a) Required maintenance of competence including requirements for continuing
29 education;

30 (b) Board approval of auctioneering educational programs; and

31 (c) Standards governing auctioneering apprenticeships.

32 9 Auctioneers; Qualifications; Application. Amend RSA 311-B:5 to read as follows:

33 311-B:5 Qualifications; Application. The ~~board~~ *executive director* shall grant licensure to
34 any applicant who:

35 I. Shall have attained the age of 18 years by the date the board receives the application;

36 II. Submits professional references or recommendations that comply with other standards
37 specified by rule, certifying that the applicant is trustworthy and competent to auction real,

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1 personal, and mixed property in such a manner as to safeguard the interests of the public. Each
2 such recommendation shall set forth the writer's name, address, and occupation, the extent of the
3 writer's acquaintanceship with the applicant, the writer's familiarity with the applicant's past
4 business experience and dealings, and any additional knowledge of the applicant's background upon
5 which the writer bases the recommendation;

6 III. Pays the initial licensure fee;

7 IV. [Repealed.]

8 V. Has good professional character;

9 VI. Meets the eligibility standards established by the board through rulemaking;

10 VII. Pays the examination fee [~~specified by the board through rulemaking~~] if the
11 examination is one developed or administered by the board; and

12 VIII. Passes an examination [~~administered by the board or an examination~~] administered by
13 another entity and approved by the board through rulemaking.

14 10 Auctioneers; Repeals. The following are repealed:

15 I. RSA 311-B:4-a, relative to cease and desist orders for auctioneering without a license.

16 II. RSA 311-B:6, relative to nonresidents.

17 III. RSA 311-B:10, relative to renewals and reinstatement.

18 IV. RSA 311-B:11, relative to disciplinary action.

19 V. RSA 311-B:11-a, relative to hearings.

20 11 Auctioneers; Disposition of Revenue. Amend RSA 311-B:14 to read as follows:

21 311-B:14 Disposition of Revenue. All moneys collected under this chapter shall be paid into the
22 [~~general fund and are appropriated therefrom to the secretary of state for the purpose of carrying out~~
23 ~~the provisions of this chapter~~] **office of professional licensure and certification fund.**

24 12 Allied Health Professionals; Governing Boards Established. Amend RSA 328-F:3 as follows:

25 328-F:3 Governing Boards Established[~~; Board of Directors; Office of Licensed Allied Health~~
26 ~~Professionals~~].

27 [~~I.~~] There shall be established governing boards of athletic trainers, occupational therapists,
28 physical therapists, speech-language pathologists and hearing care providers, and genetic
29 counselors. ***In order to eliminate a redundant regulatory framework and promote efficiency***
30 ***and economy, and as set forth in RSA 310, the responsibility for administration of the***
31 ***governing boards shall be with the office of professional licensure and certification, and***
32 ***the authority of the board of directors of allied health professionals is repealed.***

33 [~~II.~~ ~~The governing boards' chairpersons or their appointees shall make up the board of~~
34 ~~directors of the office of licensed allied health professionals. The board of directors shall have the~~
35 ~~authority to delegate to the person in the supervisory position matters of administrative and~~
36 ~~personnel management.~~

37 [~~III.~~ ~~There shall be an office of licensed allied health professionals established in Concord~~

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1 ~~within the office of professional licensure and certification.]~~

2 13 Allied Health Professionals; Completion of Survey; Rulemaking. Amend RSA 328-F:11-a as
3 follows:

4 328-F:11-a Completion of Survey; Rulemaking. The *governing* board shall adopt rules,
5 pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a
6 survey or opt-out form provided by the office of rural health, department of health and human
7 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
8 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
9 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
10 survey.

11 14 Allied Health Professionals; Criminal History Record Checks. Amend RSA 328-F:18-a as
12 follows:

13 328-F:18-a Criminal History Record Checks.

14 I. The ~~[board of directors]~~ *governing boards* shall require ~~[one of the following types of~~
15 ~~criminal background checks]~~ from applicants for initial licensure or certification, reinstatement of
16 licensure or certification, or conditional licensure or certification[+]

17 ~~(a) An original criminal offender record report issued by each state where the applicant~~
18 ~~has resided or been licensed within the past 6 years; or~~

19 ~~(b) A]~~ a criminal history record release form, as provided by the New Hampshire
20 division of state police which authorizes the release of his or her criminal history record, if any, to
21 the office of ~~[licensed allied health professionals]~~ *professional licensure and certification*.

22 ~~[(1)]~~ (a) The applicant shall submit with the release form a complete set of
23 fingerprints taken by a qualified law enforcement agency or an authorized employee of the
24 department of safety. In the event that the first set of fingerprints is invalid due to insufficient
25 pattern, a second set of fingerprints shall be necessary in order to complete the criminal history
26 records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the
27 office of ~~[licensed allied health professionals]~~ *professional licensure and certification* may, in
28 lieu of the criminal history records check, accept police clearances ~~[described in subparagraph (a)].~~

29 ~~[(2)]~~ (b) The office of ~~[licensed allied health professionals]~~ *professional licensure*
30 *and certification* shall submit the criminal history records release form and fingerprint form to the
31 division of state police which shall conduct a criminal history records check through its records and
32 through the Federal Bureau of Investigation. Upon completion of the records check, the division of
33 state police shall release copies of the criminal history records to the office of ~~[licensed allied health~~
34 ~~professionals]~~ *professional licensure and certification*.

35 II. The office of ~~[licensed allied health professionals]~~ *professional licensure and*
36 *certification* shall review the criminal record information prior to the respective governing board
37 making a decision on licensure or certification and shall maintain the confidentiality of all criminal

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1 history records received pursuant to this section.

2 III. The applicant shall bear the cost of all criminal history record checks.

3 IV. The ~~[board]~~ **office of professional licensure and certification** shall consider military
4 security clearance for an individual actively serving in any component of the Department of Defense
5 in lieu of criminal background checks.

6 V. Pending the results of a criminal history record check, an applicant for licensure may be
7 employed in a profession of the allied health field on a conditional basis for up to 90 calendar days
8 before the office of ~~[licensed allied health professionals]~~ **professional licensure and certification**
9 receives the results of a criminal history record check required for licensure, if the conditional
10 employee:

11 (a) Is under the direct supervision of a licensee;

12 (b) Has provided a written attestation to the employer and the ~~[board]~~ **office of**
13 **professional licensure and certification** that no disqualifying criminal history exists; and

14 (c) The ~~[allied health]~~ governing board is not a member of an interstate licensure
15 compact.

16 15 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II to read as follows:

17 II. The executive director may, upon notice and opportunity for a hearing, deny an
18 application for reinstatement of a license or reinstate the license with conditions. Conditions
19 imposed may include a requirement for continuing education, practice under the supervision of a
20 licensed recreational therapist~~[, or any other conditions set forth in RSA 328-F:18, III]~~.

21 16 Repeals; Allied Health. The following are repealed:

22 I. RSA 328-F:1, relative to allied health professionals purpose.

23 II. RSA 328-F:2, relative to allied health professionals definitions.

24 III. RSA 328-F:5, I-V, relative to allied health professionals governing board authority.

25 IV. RSA 328-F:7, relative to allied health professionals removal of members and vacancies.

26 V. RSA 328-F:8, relative to allied health professionals organization and meetings.

27 VI. RSA 328-F:9, relative to allied health professionals records of the boards.

28 VII. RSA 328-F:10, relative to allied health professionals records of disciplinary history.

29 VIII. RSA 328-F:11-b, relative to allied health professionals telemedicine.

30 IX. RSA 328-F:12, relative to allied health professionals the board of directors.

31 X. RSA 328-F:13, relative to allied health professionals board of directors' rulemaking
32 authority.

33 XI. RSA 328-F:15, relative to allied health professionals fees.

34 XII. RSA 328-F:18, relative to allied health professionals issuance of licenses.

35 XIII. RSA 328-F:19, relative to allied health professionals renewal.

36 XIV. RSA 328-F:20, relative to allied health professionals reinstatement of lapsed licenses.

37 XV. RSA 328-F:21, II, relative to allied health professionals notification of stolen licenses.

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1 XVI. RSA 328-F:23, relative to allied health professionals disciplinary action and hearings.

2 XVII. RSA 328-F:24, relative to allied health professionals investigations.

3 XVIII. RSA 328-F:25, relative to allied health professionals obligation to report.

4 XIX. RSA 328-F:26, relative to allied health professionals temporary suspension.

5 XX. RSA 328-F:27, relative to allied health professionals unauthorized practice.

6 XXI. RSA 328-F:29, relative to allied health professionals revocation of licensure.

7 17 Boxing and Wrestling Commission; Transfer. To promote efficiency and economy, reduce
8 administrative costs, and facilitate customer service, the responsibility for administration of the
9 boxing and wrestling commission shall be transferred to the office of professional licensure and
10 certification effective September 1, 2023.

11 18 Boxing and Wrestling Commission; Members; Removal; Conflicts of Interest. Amend RSA
12 285:3, I as follows:

13 I. The commission shall consist of ~~[3]~~ 5 members appointed by the governor and council.
14 Members appointed by the governor and council shall have had some experience in the fighting
15 sports and shall be residents of the state. Members shall have no financial interest, direct or
16 indirect, in professional fighting sports regulated by the commission.

17 19 Boxing and Wrestling Commission; Establishment of Commission. Amend RSA 285:7 as
18 follows:

19 285:7 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

20 I. The conduct of amateur and professional fighting sports competitions;

21 II. Requirements and qualifications for licenses, permits and amateur cards for persons
22 involved in fighting sports competitions;

23 III. The grounds for revocation or suspension of a license or permit, and the reinstatement of
24 suspended licenses and permits;

25 ~~[IV. A fee schedule for permits and amateur cards and for the renewal of amateur cards;~~

26 ~~∇] IV. Promoters' bonds; and~~

27 ~~[V] V. Insurance coverage required by the commission.~~

28 20 Office of Professional Licensure and Certification; Boxing and Wrestling Commission;
29 Cooperation With Amateur Local Boxing Committee Required. Amend RSA 285:9-a, VI as follows:

30 VI. The ~~[commission]~~ **office of professional licensure and certification** shall collect 5
31 percent of the gross receipts of paid admissions to all amateur bouts, as mandated by RSA 285:14.

32 21 Boxing and Wrestling Commission; Licenses Required. Amend RSA 285:11 as follows:

33 285:11 Licenses Required. No person shall participate in a professional fighting sports
34 competition as a contestant, manager, referee, judge, second or timekeeper without a license from
35 the commission. ~~[The fee for all licenses issued by the commission shall be \$20. Licenses granted by~~
36 ~~the commission shall be valid for one year from the date of issue unless revoked or suspended by the~~
37 ~~commission. The commission shall, upon application, renew any license unless good cause is shown~~

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1 ~~that the license should not be renewed. The fee for all license renewals issued by the commission~~
2 ~~shall be \$20.]~~

3 22 Boxing and Wrestling Commission; Suspension or Revocation; Appeals. Amend RSA 285:12
4 as follows:

5 285:12 Suspension or Revocation; Appeals.

6 ~~[I.]~~ The commission may revoke or suspend any permit or license for cause.

7 ~~[H. Rehearings and appeals from any decision of the commission shall be in accordance with~~
8 ~~RSA 541.]~~

9 23 Office of Professional Licensure and Certification; Boxing and Wrestling Commission; Permit
10 and License Fees; Amateur Cards. Amend RSA 285:14, II as follows:

11 II. The promoter also shall, at the same time, pay to the ~~[commission]~~ **office of**
12 **professional licensure and certification** by certified check a tax of 5 percent of the gross receipts
13 of paid admissions after deduction of any federal taxes. **Payments made pursuant to this section**
14 **shall be deposited into a dedicated fund, which shall lapse annually at the close of each**
15 **fiscal year to the general fund.**

16 24 Boxing and Wrestling Commission; Deputy Inspectors. Amend RSA 285:19 as follows:

17 285:19 Deputy Inspectors. A member of the commission is not required to be present at all
18 fighting sports competitions. If a member of the commission is not present at a fighting sports
19 competition held under this chapter, the commission shall appoint a deputy inspector who shall, for
20 the duration of the contest, have the full duties and powers of a member of the commission. Deputy
21 inspectors shall be entitled to compensation as the commission, **with the approval of the**
22 **executive director**, may deem proper.

23 25 Repeals; Boxing and Wrestling Commission. The following are repealed:

24 I. RSA 285:5, relative to boxing and wrestling commission chairperson, treasurer, and
25 quorum.

26 II. RSA 285:6, relative to boxing and wrestling commission compensation.

27 III. RSA 285:8, relative to boxing and wrestling commission report.

28 26 Electricians; Definitions. Amend RSA 319-C:2, IV as follows:

29 IV. "Journeyman electrician" means a person doing work of installing electrical wires,
30 conduits, apparatus, fixtures and other electrical equipment. A journeyman electrician shall be
31 employed by a master electrician~~[-except as provided in RSA 319-C:10].~~ Each journeyman
32 electrician shall work under the direction and supervision of a master electrician.

33 27 Electricians; Inspectors. Amend RSA 319-C:5, I as follows:

34 I. The ~~[board]~~ **office of professional licensure and certification** shall be empowered to
35 appoint such inspectors as may be necessary to carry out the purposes of this chapter. Any person so
36 employed shall be under the administration and supervisory direction of the ~~[board]~~ **office of**
37 **professional licensure and certification.**

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1 28 Electricians; Licensing Requirements. Amend RSA 319-C:7, II, as follows:

2 II. ~~[After June 30, 1976,]~~ The board shall issue a license as a master or journeyman
3 electrician to any person who files an application and meets the following qualifications:

4 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may
5 give credit toward such service for the satisfactory completion of a course of instruction in the field
6 at a school recognized by the board *or experience in the field received in military service, in*
7 *accordance with rules adopted by RSA 541-A;* and

8 (b) Satisfactory passing of an examination ~~[conducted]~~ *approved* by said board as
9 provided in RSA 319-C:8 to determine ~~[his]~~ *the person's* fitness to receive such license.

10 29 Repeals. The following are repealed:

11 I. RSA 319-C:6-a, VI, relative to electricians rulemaking for investigations.

12 II. RSA 319-C:6-a, VII, relative to electricians procedural rules for hearings.

13 III. RSA 319-C:6-b, relative to electricians fees.

14 IV. RSA 319-C:9, relative to electricians renewal of licenses.

15 V. RSA 319-C:10, relative to electricians corporations and partnerships.

16 VI. RSA 319-C:12, relative to electricians disciplinary action.

17 VII. RSA 319-C:12-a, relative to electricians hearings.

18 VIII. RSA 319-C:12-b, relative to electricians appeals.

19 IX. RSA 319-C:14, relative to electrician nonresidents.

20 30 Genetic Counselors; Provisional License. Amend RSA 326-K:4 to read as follows:

21 326-K:4 Provisional License.

22 I. A provisional license may be issued by the ~~[board]~~ *office* to an applicant who meets all of
23 the requirements for licensure except for the certification component and has been granted active
24 candidate status by ABGC.

25 II. A provisional license shall be valid for the ABGC examination cycle for which active
26 candidate status by the ABGC has been granted. Such provisional license shall expire automatically
27 upon the earliest of the following:

28 (a) Issuance of a full license;

29 (b) Thirty days after the applicant fails to pass the certification examination; or

30 (c) Two years from the issuance of a provisional license.

31 III. A provisional license may only be extended upon approval of the ~~[board]~~ *office* for good
32 cause shown.

33 IV. A provisional licensed genetic counselor shall work under the general supervision of a
34 licensed genetic counselor or a licensed physician at all times during which the provisional licensed
35 genetic counselor performs genetic counseling. An application for extension of the provisional license
36 shall be signed by the supervising licensed genetic counselor or supervising licensed physician.

37 V. The ~~[board]~~ *office* is authorized to issue conditional provisional licenses in accordance

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1 with *governing board* rules adopted pursuant to RSA 541-A.

2 31 Genetic Counselors; Prohibition on Unlicensed Practice. Amend RSA 326-K:5, I to read as
3 follows:

4 I. No person shall practice or represent himself or herself as a genetic counselor in this state
5 without first applying for and receiving a license or provisional license from the ~~[board]~~ *office* to
6 practice as a licensed genetic counselor.

7 32 Genetic Counselors; Privileged Communications. Amend RSA 326-K:8, II to read as follows:

8 II. Information and results may be made available to the board *or the office* for use in an
9 investigation or disciplinary proceeding under RSA 328-F concerning a licensed genetic counselor
10 only if the results are coded to maintain confidentiality of the client.

11 33 Repeal; Genetic Counselors. RSA 326-K:6, relative to reciprocity is repealed.

12 34 Hawkers and Peddlers; Repeal. RSA 320, relative to hawkers and peddlers, is repealed.

13 35 Itinerant Vendors; Repeal. RSA 321, relative to itinerant vendors, is repealed.

14 36 Board of Manufactured Housing; Repeals. The following are repealed:

15 I. RSA 205-A:25, relative to board establishment.

16 II. RSA 205-A:26, relative to quorum.

17 III. RSA 205-A:27, relative to jurisdiction.

18 IV. RSA 205-A:28, relative to decisions.

19 V. RSA 205-A:29, relative to meetings and records.

20 VI. RSA 205-A:29-a, relative to administrative and business processing functions.

21 VII. RSA 205-A:30, relative to notification and cooperation.

22 VIII. RSA 205-A:31, relative to rulemaking.

23 37 State Board of Fire Control; Mechanical Licensing Board. Amend RSA 153:27-a to read as
24 follows:

25 153:27-a Mechanical Licensing Board.

26 There is hereby established as a unit within the office of professional licensure and certification.
27 The term of office for the members appointed to the board shall be 3 years and until a successor is
28 appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall
29 be filled in the same manner and for the unexpired terms. No member of the board shall be
30 appointed to more than 2 consecutive terms. ~~[A member of the board shall serve as the board~~
31 ~~secretary.]~~

32 I.(a) No member of the board may be associated with the formal education for licensing,
33 and/or be provider or an employee of a provider for continuing education for any profession or trade
34 licensed under this subdivision.

35 (b) A public member of the board shall be a person who is not, and never was, a member
36 of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have,
37 and never has had, a material financial interest in either the provision of plumbing and/or fuel gas

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1 services or an activity directly related to plumbing and/or fuel gas, including the representation of
2 the board or trade for a fee at any time during the 5 years preceding appointment.

3 II. The board shall:

4 (a) Adopt rules as provided for in this subdivision.

5 (b) ~~Implement the licensing program under this subdivision.~~

6 ~~(e)]~~ Review and approve educational programs and providers.

7 ~~[(d)]~~ (c) Conduct hearings for disciplinary actions.

8 ~~[(e)]~~ (d) Review and recommend adoptions, exceptions, or omissions to technical
9 standards as adopted under RSA 153:28.

10 ~~[(f)]~~ (e) Develop and recommend for the legislature future changes to this subdivision.

11 III. The members of the board shall be appointed by the governor and council as follows:

12 (a) Two licensed journeymen or master plumbers, who are actively working in the trade
13 as plumbers.

14 (b) ~~[Two]~~ **One** licensed fuel gas ~~[fitters]~~ **fitter**, ~~[both of whom are]~~ actively working in
15 the trade as fuel gas fitters~~[-and one of whom shall represent the propane fuel industry].~~

16 (c) One certified heating equipment installer or heating equipment service person under
17 RSA 153:16-b.

18 (d) ~~[One licensed master plumber who is also a licensed fuel gas fitter and a certified~~
19 ~~heating equipment installer or service person, actively working in the trade.~~

20 ~~(e)]~~ One public member who is not, and never was, a member of the plumbing trade or
21 the spouse of any such person, and who does not have, and never has had, a material financial
22 interest in either the provision of plumbing services or an activity directly related to plumbing,
23 including the representation of the board or trade for a fee at any time during the 5 years preceding
24 appointment.

25 ~~[(f)] One certified water treatment technician, who shall be a nonvoting member of the~~
26 ~~board.]~~

27 IV. ~~[The board shall hold at least 8 regular meetings each year, and may hold special~~
28 ~~meetings at such times as the business of the board may require. Notice of all meetings shall be~~
29 ~~given in such a manner as rules adopted by the board may provide and in accordance with New~~
30 ~~Hampshire state law. A quorum of the board shall consist of 4 members.~~

31 ~~V.]~~ The board shall annually elect a chairman ~~[and a vice chairman]~~ from among its
32 members.

33 ~~[VI. The secretary of the board shall receive at least monthly an accounting from the~~
34 ~~department of all moneys derived under the provisions of this subdivision.]~~

35 38 State Board of Fire Control; Mechanical Licensing Board; Repeals. The following are
36 repealed:

37 I. RSA 153:28, II, relative to rulemaking regarding fees.

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1 II. RSA 153:30, relative to expiration and renewal of licensure.

2 III. RSA 153:32, relative to disciplinary action.

3 IV. RSA 153:33, relative to appeals from board decisions.

4 V. RSA 153:37, relative to penalties.

5 VI. RSA 153:38, relative to voluntary certification of water treatment technicians.

6 39 Pharmacy; Board. Amend RSA 318:2 to read as follows:

7 318:2 Board. There shall be a pharmacy board consisting of ~~[7]~~ **5** members; including ~~[6]~~ **4**
8 practicing pharmacists, at least one of whom shall be a full-time hospital pharmacist, and one public
9 member, each to be appointed by the governor, with the approval of the council, to a term of 5 years.
10 No member shall be appointed to more than 2 consecutive terms and no member shall serve for more
11 than 10 consecutive years. Only board members provided for in this section shall have the authority
12 to vote in board determinations.

13 40 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IX to read as follows:

14 IX. ~~[Procedures]~~ **Standards** for the inspection of licensees;

15 41 Repeal; Pharmacy Rulemaking. The following are repealed:

16 I. RSA 318:5-a, VIII, relative to procedures for the conduct of hearings consistent with the
17 requirements of due process.

18 II. RSA 318:5-a, X(e), relative to the establishment of the effective period of registration or
19 certification for pharmacy technicians.

20 III. RSA 318:5-a, XI-a(e), relative to the establishment of the effective period of registration
21 or certification for pharmacy interns.

22 IV. RSA 318:5-a, XI-c(e), relative to the establishment of the effective period of registration
23 or certification for advanced pharmacy technicians.

24 42 Pharmacy Inspectional Services. Amend RSA 318:9-a to read as follows:

25 318:9-a Inspectional Services. The ~~[pharmacy board through the]~~ office of professional licensure
26 and certification shall provide inspectional services under this chapter and RSA 318-B:25 to the
27 board of medicine, the board of veterinary medicine, the board of podiatry, the board of registration
28 in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of
29 examiners. Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians
30 licensed by the New Hampshire board of pharmacy who have training and experience regarding
31 pharmacy statutes and rules.

32 43 Pharmacy; Pharmacy Interns. Amend RSA 318:15-b to read as follows:

33 318:15-b Pharmacy Interns. No person shall perform the functions or duties of a pharmacy
34 intern unless such person is registered by the ~~[board]~~ **office of professional licensure and**
35 **certification** to perform certain functions, and does so under standards of supervision established
36 by rules of the board adopted pursuant to RSA 541-A.

37 44 Pharmacy Examinations and Licenses; Pharmacists. Amend RSA 318:18, I(b)(3) to read as

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1 follows:

2 (3) File proof satisfactory to the [board] *office of professional licensure and*
3 *certification*, substantiated by proper affidavits, of a minimum of one year (1,500 hours) internship
4 activity in a community or institutional pharmacy in the United States or Canada or an equivalent
5 program which has been approved by the board of pharmacy; and shall pass the national
6 examination administered by the National Association of Boards of Pharmacy (NABP) to establish
7 his or her fitness to practice the profession of pharmacy. The internship required in this section
8 shall be service and experience in a community or institutional pharmacy under the supervision of a
9 licensed pharmacist and shall be predominantly related to the selling of drugs and medical supplies;
10 interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical
11 products; keeping records and making reports required under federal and state statutes; and
12 otherwise practicing pharmacy under the immediate supervision and direction of a licensed
13 pharmacist.

14 45 Pharmacists; Examinations and Licenses; Pharmacists. Amend RSA 318:18, II to read as
15 follows:

16 II. The [board] *office of professional licensure and certification* may deny licensure as
17 a pharmacist for grounds which include, but which shall not be limited to, prior conviction of a
18 felony; or of a misdemeanor resulting from a violation of a federal, state or local drug or pharmacy-
19 related law, rule, or regulation.

20 46 Pharmacy; Change in Name, Employment, or Residence. Amend RSA 318:26-a to read as
21 follows:

22 318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced
23 pharmacy technician, or pharmacy technician who changes his or her name, place or status of
24 employment, or residence shall notify the [board] *office of professional licensure and*
25 *certification* in writing within 15 days. For failure to report such a change within 15 days, the
26 board may suspend the pharmacist's license, the advanced pharmacy technician's license, or the
27 pharmacy technician's registration. Reinstatement shall be made only upon payment of a
28 reasonable fee as established by the board.

29 47 Pharmacy; Impaired Pharmacist Program. Amend RSA 318:29-a to read as follows:

30 318:29-a Impaired Pharmacist Program.

31 I. Any pharmaceutical peer review committee may report relevant facts to the board *or*
32 *office of professional licensure and certification* relating to the acts of any pharmacist in this
33 state if they have knowledge relating to the pharmacist which, in the opinion of the peer review
34 committee, might provide grounds for disciplinary action as specified in RSA 318:29, II.

35 II. Any committee of a professional society comprised primarily of pharmacists, its staff, or
36 any district or local intervenor participating in a program established to aid pharmacists impaired
37 by substance abuse or mental or physical illness may report in writing to the board *or office of*

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1 *professional licensure and certification* the name of the impaired pharmacist together with the
2 pertinent information relating to his impairment. The board *or office of professional licensure*
3 *and certification* may report to any committee of such professional society or the society's
4 designated staff information which it may receive with regard to any pharmacist who may be
5 impaired by substance abuse or mental or physical illness.

6 III. ~~Upon a determination by the board that a report submitted by a peer review committee~~
7 ~~or professional society committee is without merit, the report shall be expunged from the~~
8 ~~pharmacist's individual record in the board's office. A pharmacist or his authorized representative~~
9 ~~shall be entitled on request to examine the pharmacist's peer review or the pharmaceutical~~
10 ~~organization committee report submitted to the board and to place into the record a statement of~~
11 ~~reasonable length of the pharmacist's view with respect to any information existing in the report.~~

12 IV.] Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board,
13 compiled in conjunction with an impaired pharmacist peer review committee, shall be confidential
14 and are not to be considered open records unless the affected pharmacist so requests; provided,
15 however, the board may disclose this confidential information only:

16 (a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a
17 board action or order;

18 (b) To the pharmacist licensing or disciplinary authorities of other jurisdictions; or

19 (c) Pursuant to an order of a court of competent jurisdiction.

20 [V.] IV.(a) No employee or member of the board, peer review committee member,
21 pharmaceutical organization committee member, pharmaceutical organization district or local
22 intervenor furnishing in good faith information, data, reports, or records for the purpose of aiding
23 the impaired pharmacist shall by reason of furnishing such information be liable for damages to any
24 person.

25 (b) No employee or member of the board or such committee, staff, or intervenor program
26 shall be liable for damages to any person for any action taken or recommendations made by such
27 board, committee, or staff unless he is found to have acted recklessly or wantonly.

28 [VI.(a)] V. The ~~board~~ *office of professional licensure and certification* may contract
29 with other organizations to operate the impaired pharmacist program for pharmacists who are
30 impaired by drug or alcohol abuse or mental or physical illness. This program shall include, but is
31 not limited to, education, intervention and post-treatment monitoring.

32 ~~(b) The board may allocate an amount determined by the board from each pharmacist~~
33 ~~biennial license renewal fee it collects to provide funding for the impaired pharmacist program as set~~
34 ~~forth in subparagraph VI(a).]~~

35 48 Pharmacy; Required; Compliance. Amend RSA 318:37 to read as follows:

36 318:37 Required; Compliance.

37 I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and

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1 medicines unless such pharmacy is registered with and a permit therefor has been issued by the
2 **office of professional licensure and certification in accordance with rules adopted by the**
3 pharmacy board, except as provided in this chapter.

4 II.(a) No person shall conduct or operate a mail-order pharmacy located outside of this state
5 by shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is
6 registered in New Hampshire and a permit has been issued by the New Hampshire pharmacy board.

7 (b) To obtain a permit, a mail-order pharmacy shall comply with each of the following:

8 (1) Maintain a license in good standing from the state in which the mail-order
9 pharmacy is located;

10 (2) Submit to the New Hampshire ~~[pharmacy board]~~ **office of professional**
11 **licensure and certification** an application for registration ~~[as provided by the office of professional~~
12 ~~licensure and certification]~~;

13 (3) Pay all appropriate registration fees;

14 (4) Submit to the New Hampshire ~~[pharmacy board]~~ **office of professional**
15 **licensure and certification** a copy of the state pharmacy license from the state in which the mail-
16 order pharmacy is located;

17 (5) Submit to the New Hampshire ~~[pharmacy board]~~ **office of professional**
18 **licensure and certification** a copy of the state and federal controlled substance registrations from
19 the state in which it is located, if controlled substances are to be shipped into this state.

20 (c) When requested to do so by the New Hampshire pharmacy board, each mail-order
21 pharmacy shall supply the New Hampshire pharmacy board with any inspection reports, warning
22 notices, disciplinary actions, notice of deficiency reports, or any other related reports from the state
23 in which it is located concerning the operation of a mail-order pharmacy for review of compliance
24 with state and federal drug laws.

25 (d) Except in emergencies that constitute an immediate threat to the public health and
26 require expedited action by the board, the New Hampshire pharmacy board shall file a complaint
27 with the licensing board of the state in which the mail-order pharmacy is located when known or
28 suspected violations of the laws of the state in which the pharmacy is located are uncovered. If the
29 licensing board in the state in which the mail-order pharmacy is located initiates disciplinary action,
30 the New Hampshire pharmacy board may request the appropriate documents involved in the action
31 for consideration of discipline against the pharmacy registration of the mail-order pharmacy. If no
32 action is taken against the mail-order pharmacy by the licensing board of the state in which it is
33 located, the New Hampshire pharmacy board may request copies of any investigation reports
34 available from that state.

35 (e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state
36 that licenses and regulates mail-order pharmacies for the purpose of investigating complaints
37 against pharmacies located in New Hampshire or the sharing of information and investigative

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1 reports, as long as the other state shall extend the same reciprocal cooperation to the New
2 Hampshire pharmacy board.

3 49 Pharmacy; Licensing of Limited Retail Drug Distributors Required. Amend RSA 318:51-b, I
4 to read as follows:

5 I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-
6 a, without first having obtained a license to do so from the ~~[board. Such license shall expire~~
7 ~~biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as~~
8 ~~established by the board shall be filed biennially by midnight June 15 of every odd-numbered year.]~~
9 ***office of professional licensure and certification according to the eligibility requirements***
10 ***set forth in rule by the pharmacy board.***

11 50 Pharmacy; Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the
12 United States Food and Drug Administration. Amend RSA 318:51-c, I-II to read as follows:

13 I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1,
14 VI, and no person acting as or employed by an outsourcing facility shall supply such drugs, without
15 first having obtained a license from the ~~[board. Such license shall expire biennially on June 30 of~~
16 ~~each odd-numbered year. An application together with a fee established by the board shall be filed~~
17 ~~biennially by June 15 of every odd-numbered year]~~ ***office of professional licensure and***
18 ***certification according to the eligibility requirements set forth in rule by the pharmacy***
19 ***board.***

20 II. No license shall be issued under this section unless the applicant has furnished proof
21 ~~[satisfactory to the pharmacy board]:~~

22 (a) That the applicant is of good moral character or, if that applicant is an association or
23 corporation, that the managing officers are of good moral character.

24 (b) That the applicant has sufficient land, buildings, and security equipment as to
25 properly carry on the business described in the application.

26 51 Pharmacy; Licensure of Research Organizations. Amend RSA 318:51-f, I-II to read as
27 follows:

28 I. No research organization shall procure or conduct research operations with prescription
29 drugs by researchers without first having obtained a license from the ~~[board. Such license shall~~
30 ~~expire biennially on June 30 of each odd-numbered year. An application together with a reasonable~~
31 ~~fee as established by the board shall be filed biennially by June 15 of every odd-numbered year]~~
32 ***office of professional licensure and certification according to the eligibility requirements***
33 ***set forth in rule by the pharmacy board.***

34 II. No license shall be issued under this section unless the applicant has furnished proof
35 ~~[satisfactory to the board of pharmacy]:~~

36 (a) That the applicant is of good moral character or, if that applicant is an association or
37 corporation, that the managing officers are of good moral character.

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1 (b) That the applicant has sufficient space and security equipment as to properly carry
2 on the research operations described in the application.

3 52 Pharmacy; Licensure of Drug or Device Distribution Agents. Amend RSA 318:51-g, I to read
4 as follows:

5 I. No person shall act as a prescription drug or device distribution agent, which includes
6 controlled drugs as the term is defined in RSA 318-B:1, VI, without first having obtained a license to
7 do so from the *office of professional licensure and certification according to the eligibility*
8 *requirements set forth in rule by the pharmacy* board.

9 53 Repeal; Pharmacists. The following are repealed:

- 10 I. RSA 318:5, relative to officers and duties.
- 11 II. RSA 318:6-a, relative to fees.
- 12 III. RSA 318:16-e, relative to telemedicine.
- 13 IV. RSA 318:21, relative to applicants from out of state.
- 14 V. RSA 318:23, relative to application fee.
- 15 VI. RSA 318:25, relative to renewal of license.
- 16 VII. RSA 318:26, relative to neglect to renew.
- 17 VIII. RSA 318:29, relative to disciplinary action.
- 18 IX. RSA 318:29-b, relative to denial of a license.
- 19 X. RSA 318:29-c, relative to immunity.
- 20 XI. RSA 318:30, relative to investigatory powers of the board.
- 21 XII. RSA 318:30-a, relative to temporary suspension.
- 22 XIII. RSA 318:31, relative to hearings.
- 23 XIV. RSA 318:33, relative to attendance.
- 24 XV. RSA 318:35, relative to association.
- 25 XVI. RSA 318:36, relative to information.
- 26 XVII. RSA 318:38, relative to permits and fees.
- 27 XVIII. RSA 318:55, relative to fines.
- 28 XIX. RSA 318:56, relative to unused prescription program.
- 29 XX. RSA 318:57, relative to definitions.
- 30 XXI. RSA 318:58, relative to donating unused drugs.
- 31 XXII. RSA 318:59, relative to rulemaking.
- 32 XXIII. RSA 318:60, relative to limited immunity.

33 54 Physical Therapy; Powers and Duties. RSA 328-A:3 is repealed and reenacted to read as
34 follows:

35 328-A:3 Powers and Duties of the Board. The board shall:

36 I. Provide for the examinations for physical therapists and physical therapist assistants and
37 adopt passing scores for these examinations.

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1 II. Regulate the practice of physical therapy by interpreting and enforcing this chapter.

2 III. Elect officers from its members necessary for the operations and obligations of the board.

3 Terms of office shall be one year.

4 55 Physical Therapy; Rulemaking. Amend RSA 328-A:4, VIII to read as follows:

5 VIII. Regarding the establishment, criteria, [~~fees,~~] and renewal of, and disciplinary
6 proceedings for certified animal physical therapists under RSA 328-A:15-b.

7 56 Physical Therapy; Examination. Amend RSA 328-A:7, I to read as follows:

8 I. The [~~board~~] **office** shall conduct, **through a third party**, examinations within the state
9 at least quarterly [~~at a time and place prescribed by the board~~]. The passing score shall be
10 determined by the board.

11 57 Repeals; Physical Therapy. The following are repealed:

12 I. RSA 328-A:15, II, relative to physical therapy, rights of consumers to privacy.

13 II. RSA 328-A:12, relative to unlawful practice of physical therapy.

14 III. RSA 328-A:13, relative to reporting violations.

15 58 State Licensed or Certified Real Estate Appraisers; Real Estate Appraiser Board. Amend
16 RSA 310-B:4 as follows:

17 310-B:4 Real Estate Appraiser Board.

18 I. There is established [~~an independent~~] **a** real estate appraiser board [~~which shall be~~
19 ~~administratively attached to the office of state~~] **within the office of professional licensure and**
20 **certification**. The board shall be composed of the following [~~7~~] **5** members, appointed by the
21 governor with the consent of council:

22 (a) Three real estate appraisers with a minimum of 5 years' experience, consisting of one
23 New Hampshire certified residential appraiser, one New Hampshire certified general appraiser, and
24 one New Hampshire certified appraiser who is a broker licensed under RSA 331-A; provided that no
25 2 appraiser members shall be members of the same private appraisal organization.

26 (b) One representative from a New Hampshire lending institution.

27 (c) [~~The banking executive director or designee.~~

28 (~~d) Two members~~] **One member** of the general public not associated directly or
29 indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry.

30 II. All appointments shall be made within 90 days after the effective date of this chapter.

31 III. On or before July 1, 1991, each real estate appraiser member of the board shall be
32 certified or licensed as a real estate appraiser under this chapter. One such member shall hold the
33 residential license and one such member shall hold a general appraiser certificate.

34 IV. The term of each member shall be 3 years, except that, of the members first appointed, 3
35 shall serve for 3 years, 2 shall serve for 2 years, and 2 shall serve for one year.

36 V. Upon expiration of their terms, members of the board shall continue to hold office until
37 the appointment and qualification of their successors. No person, [~~except the executive director or~~

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1 ~~designee]~~ shall serve as a member of the board for more than 2 consecutive terms. The appointing
2 authority may remove a member for cause.

3 ~~[VI. The board shall meet at least once each calendar quarter to conduct its business and~~
4 ~~more often on call of the chair, or when the chair is requested to do so by 4 or more members of the~~
5 ~~board. The action of the majority of the members of the board present and voting shall be deemed~~
6 ~~the action of the board, and at least 4 members shall be present and voting on every vote of the~~
7 ~~board. Places of future meetings shall be decided by the vote of members at meetings or, in the~~
8 ~~event of a special meeting, by the chair. Written notice shall be given by the chair to each member of~~
9 ~~the time and place of each meeting of the board at least 10 days in advance.]~~

10 VII. The chairman of the board shall be elected from the board's members. ~~[Neither the~~
11 ~~banking executive director nor his designee shall serve as chairman.~~

12 VIII. ~~No board member shall be entitled to a per diem allowance. Board members shall be~~
13 ~~reimbursed for actual travel in the performance of official duties at the usual state employee rate.~~

14 IX. ~~The members of the board shall be immune from any civil action or criminal prosecution~~
15 ~~for actions taken in their capacity as members of the board, provided that such action is taken in~~
16 ~~good faith and in the reasonable belief that the action was taken pursuant to the powers and duties~~
17 ~~of the board under this chapter.~~

18 X. ~~All administrative, clerical, and business processing functions of the board shall be~~
19 ~~transferred to the office of professional licensure and certification established in RSA 310 A:1~~
20 ~~through RSA 310 A:1 e.]~~

21 59 State Licensed or Certified Real Estate Appraisers; Licensure or Certification Process.
22 Amend RSA 310-B:5 as follows:

23 310-B:5 Licensure or Certification Process.

24 I. Applications for original license or certification, renewal license or certification and
25 examinations shall be made in writing ~~[to the board on forms approved by the board].~~

26 II. Appropriate fees, ~~[as fixed by the board under rules established pursuant to RSA 541 A];~~
27 shall accompany all applications for original license, certification, renewal license, renewal
28 certification, reciprocal license, and reciprocal certification. An annual federal registration fee shall
29 be collected by the ~~[board]~~ **office** for transmittal to the federal government under Title XI.

30 III. At the time of filing an application for certification or licensure, each applicant shall sign
31 a pledge to comply with the standards set forth in this chapter and state that he understands the
32 types of misconduct for which disciplinary proceedings may be initiated against a certified or
33 licensed real estate appraiser, as set forth in this chapter.

34 60 State Licensed or Certified Real Estate Appraisers; Prohibited Conduct. Amend RSA 310-
35 B:5-a as follows:

36 310-B:5-a Prohibited Conduct. A person licensed or certified ~~[by the board]~~ under this chapter,
37 shall, after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being

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1 convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery,
2 embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to
3 defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses;
4 provided that, for the purposes of this section being convicted shall include all instances in which a
5 plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the
6 sentence has been deferred or suspended.

7 61 State Licensed or Certified Real Estate Appraisers; Criminal History Records Checks.
8 Amend RSA 310-B:6-a as follows:

9 310-B:6-a Criminal History Record Checks.

10 I. Every applicant for initial licensure shall submit to the [board] office a criminal history
11 record release form, as provided by the New Hampshire division of state police, office of safety,
12 which authorizes the release of his or her criminal history record, if any, to the [board] office.

13 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
14 qualified law enforcement agency or an authorized employee of the office of safety. The [board]
15 office shall submit the criminal history records release form and fingerprint form to the division of
16 state police which shall conduct a criminal history records check through its records and through the
17 Federal Bureau of Investigation. In the event that the first set of fingerprints is invalid due to
18 insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal
19 history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern,
20 the [board] office may, in lieu of the criminal history records check, conduct the national
21 background check based on personal information.

22 III. Upon completion of the records check, the division of state police shall release copies of
23 the criminal history records to the [board] office. The [board] office shall maintain the
24 confidentiality of all criminal history records information received pursuant to this section.

25 IV. The applicant shall bear the cost of a criminal history record check.

26 62 State Licensed or Certified Real Estate Appraisers; Examination Prerequisites. Amend RSA
27 310-B:8 as follows:

28 310-B:8 Examination Prerequisites.

29 I. As prerequisites to taking the examination for certification as a certified general real
30 estate appraiser, an applicant shall present evidence[~~-, satisfactory to the board,~~] of having completed
31 the required classroom hours in subjects related to real estate appraisal, including instruction
32 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
33 approved by the board, ***in accordance with rules adopted by the board pursuant to RSA 541-***
34 ***A.***

35 II. As prerequisites to taking the examination for certification as a certified residential real
36 estate appraiser, an applicant shall present evidence[~~-, satisfactory to the board,~~] of having completed
37 the required classroom hours in subjects related to real estate appraisal, including instruction

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1 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
2 approved by the board, *in accordance with rules adopted by the board pursuant to RSA 541-*
3 *A.*

4 III. As prerequisites to taking the examination for licensure as a licensed residential real
5 estate appraiser, an applicant shall present evidence [~~satisfactory to the board,~~] of having completed
6 the required classroom hours in subjects related to real estate appraisal, including instruction
7 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
8 approved by the board, *in accordance with rules adopted by the board pursuant to RSA 541-*
9 *A.*

10 63 State Licensed or Certified Real Estate Appraisers; Experience Requirements. Amend RSA
11 310-B:9, II as follows:

12 II. Each applicant for license or certification shall furnish a signed, detailed listing of the
13 real estate appraisal reports or file memoranda for each year for which experience is claimed by the
14 applicant. Upon request, the applicant shall make available to the board *or office* for examination a
15 sample of appraisal reports which the applicant has prepared in the course of his or her appraisal
16 practice.

17 64 State Licensed or Certified Real Estate Appraisers; Registration of Appraisal Management
18 Companies. Amend RSA 310-B:12-b, I as follows:

19 I. It is unlawful for a person to directly or indirectly engage in or attempt to engage in
20 business as an appraisal management company or to advertise or hold itself out as engaging in or
21 conducting business as an appraisal management company in this state without first obtaining a
22 registration issued by the [~~board~~] *office* under the provisions of this chapter.

23 (a) An applicant for registration as an appraisal management company in this state
24 shall submit to the [~~board~~] *office* an application using the method prescribed and furnished by the
25 office of professional licensure and certification.

26 (b) In the event a registration process is unavailable upon the effective date of this
27 chapter, an appraisal management company already conducting business in this state may continue
28 to conduct business in accordance with this chapter until the 120th day after a registration process
29 becomes available.

30 65 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
31 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, I to read as follows:

32 I. An appraisal management company that applies to the [~~board~~] *office* for a registration to
33 do business in this state as an appraisal management company shall not:

34 66 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
35 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, III to read as follows:

36 III. Each appraisal management company seeking to be registered in this state shall certify
37 to the [~~board~~] *office* on an annual basis on a form prescribed by the [~~board~~] *office* that the appraisal

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1 management company has systems in place to verify that:

2 67 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
3 Appraisal Review. Amend RSA 310-B:12-i as follows:

4 310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or
5 independent contractor to, an appraisal management company that performs a USPAP Standard 3
6 review of an appraisal report on property located in this state shall be an appraiser with the proper
7 level of licensure issued by the [board] office. Quality control examinations are exempt from this
8 requirement as they are not considered a Standard 3 review.

9 68 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
10 Registration Number. Amend RSA 310-B:12-m as follows:

11 310-B:12-m Appraisal Management Company; Registration Number.

12 I. The [board] office shall issue a unique registration number to each appraisal
13 management company registered in this state pursuant to this chapter.

14 II. The [board] office shall maintain a list of the appraisal management companies
15 registered in this state and the registration numbers assigned to such persons.

16 III. An appraisal management company registered in this state shall disclose the
17 registration number provided to it by the [board] office on the engagement documents presented to
18 an appraiser.

19 69 State Licensed or Certified Real Estate Appraisers; License or Certificate. Amend RSA 310-
20 B:16, I as follows:

21 I. A license or certificate issued under authority of this chapter shall bear a license or
22 certificate number assigned by the [board] office.

23 70 State Licensed or Certified Real Estate Appraisers; Repeals. The following provisions of RSA
24 chapter 310-B are hereby repealed:

25 I. RSA 310-B:3-a, relative to penalty.

26 II. RSA 310-B:10, relative to term of licensure.

27 III. RSA 310-B:12, relative to nonresident licensure.

28 IV. RSA 310-B:12-a, relative to temporary practice.

29 V. RSA 310-B:12-e, relative to appraisal management company fee.

30 VI. RSA 310-B:13, relative to renewal.

31 VII. RSA 310-B:13-a, relative to lapse.

32 VIII. RSA 310-B:14, I relative to continuing education.

33 IX. RSA 310-B:18, relative to disciplinary proceedings.

34 X. RSA 310-B:18-b, relative to reissuance of license.

35 XI. RSA 310-B:19, relative to hearings.

36 XII. RSA 310-B:20, relative to fees.

37 XIII. RSA 310-B:21, relative to receipts.

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1 XIV. RSA 310-B:23-a, relative to summons.

2 XV. RSA 310-B:24, VII, relative to rulemaking authority.

3 XVI. RSA 310-B:24, IX, relative to the requirements for public information requests.

4 71 New Hampshire Real Estate Practice Act; Repeals. The following provisions of RSA chapter
5 331-A are hereby repealed:

6 I. RSA 331-A:7, II relative to fees.

7 II. RSA 331-A:7, IV, relative to fees.

8 III. RSA 331-A:7, V, relative to orders.

9 IV. RSA 331-A:12-a, relative to inactive license status.

10 V. RSA 331-A:15, relative to issuance of licenses.

11 VI. RSA 331-A:17, relative to license amendments.

12 VII. RSA 331-A:18, relative to lapse of license.

13 VIII. RSA 331-A:19, relative to renewal of license.

14 IX. RSA 331-A:24, relative to fees.

15 X. RSA 331-A:25, IV, relative to rulemaking regarding fees.

16 XI. RSA 331-A:25, VII, relative to license certificates.

17 XII. RSA 331-A:25, X, relative to procedures.

18 XIII. RSA 331-A:25, XI, relative to conduct of hearings.

19 XIV. RSA 331-A:25, XIII, relative to procedures for renewal licenses.

20 XV. RSA 331-A:28, relative to disciplinary actions.

21 XVI. RSA 331-A:29, relative to disciplinary procedures.

22 XVII. RSA 331-A:30, relative to hearing procedures.

23 XVIII. RSA 331-A:31, relative to payment by the state.

24 XIX. RSA 331-A:33, relative to immunity.

25 XX. RSA 331-A:34, relative to unlawful practice.

26 XXI. RSA 331-A:35, relative to prosecution.

27 72 Professional Bondsmen; Approval and Registration. Amend RSA 598-A:1, as follows:

28 598-A:1 Approval and Registration. *To promote efficiency and economy, eliminate*
29 *redundancies in licensure requirements, reduce administrative costs, and facilitate*
30 *customer service, the responsibility for registration of professional bondsmen shall be*
31 *transferred to the office of professional licensure and certification effective July 1, 2023.*

32 No person proposing to become bail or surety in a criminal case for hire or reward, either received or
33 to be received, shall be accepted as such unless ~~he~~ **the person** shall have been approved and
34 registered as a professional bondsman by the ~~secretary of state or his designee~~ **executive director**
35 **of the office of professional licensure and certification**; provided, however, no person proposing
36 to become bail or surety in a criminal case in any calendar year after having become bail or surety in
37 criminal cases on 5 separate occasions in said year shall be accepted thereafter during that year as

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1 bail or surety unless ~~[he]~~ **the person** shall have been approved and registered as a professional
2 bondsman as provided in this section.

3 73 Professional Bondsmen; Fees. Amend RSA 598-A:1-a to read as follows:

4 598-A:1-a Fees.

5 ~~[F.]~~ A person proposing to become bail or surety and registered as a professional bondsman
6 shall pay to the ~~[secretary of state or his designee]~~ **executive director of the office of professional**
7 **licensure and certification** an initial application fee. ~~[of \$400;]~~ The fee shall be deposited in the
8 ~~[general fund by the state treasurer as unrestricted revenue]~~ **office of professional licensure and**
9 **certification fund.**

10 ~~[H. Thereafter, an annual renewal fee of \$100 for the registration in each county of the state~~
11 ~~where a professional bondsman seeks to post bail shall be due and payable to the secretary of state~~
12 ~~or his designee on December 30 for the ensuing year. The fee shall be deposited in the general fund~~
13 ~~by the state treasurer as unrestricted revenue.]~~

14 74 Professional Bondsmen; Revocation. Amend RSA 598-A:2 as follows:

15 598-A:2 Revocation. A person who has been accepted as bail or surety, contrary to the
16 provisions of this chapter, shall nevertheless be liable on his obligation as such bail or surety.
17 Approval and registration under this chapter may be revoked at any time by the ~~[secretary of state~~
18 ~~or his designee]~~ **executive director of the office of professional licensure and certification** and
19 shall be revoked in case such a bondsman fails for 30 days after demand to satisfy in full a judgment
20 recovered under RSA 597:33. The county attorney or prosecuting officer obtaining any such
21 judgment which is not satisfied in full within 30 days after demand shall immediately notify the
22 ~~[secretary of state or his designee]~~ **executive director of the office of professional licensure and**
23 **certification** or ~~[his]~~ designee in writing.

24 75 Professional Bondsmen; List of Professional Bondsmen. Amend RSA 598-A:3, as follows:

25 598-A:3 List of Professional Bondsmen. The ~~[secretary of state or his designee]~~ **executive**
26 **director of the office of professional licensure and certification** shall furnish all superior court
27 clerks, all district courts having authority to accept bail, all jails, and all police stations with a list of
28 the names of all persons registered as professional bondsmen and shall notify such clerks, courts,
29 jails, and police stations of any change in a bondsman's status. The ~~[secretary of state or his~~
30 ~~designee]~~ **executive director of the office of professional licensure and certification** shall
31 update the list as necessary, but not less than once per year. The list shall include the following
32 statement in bold type: "You are encouraged to contact more than one bail bondsman because not all
33 bail bondsmen charge the same fees or provide the same services." The unaltered list shall be
34 displayed prominently and visibly to defendants in all courts, jails, and police stations. No other list
35 shall be displayed, furnished, or provided

36 76 Professional Bondsmen; Rules. Amend RSA 598-A:4 as follows:

37 598-A:4 Rules of the ~~[Secretary of State or His Designee]~~ **Executive Director**. All professional

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1 bondsmen shall be governed by rules which shall be adopted under RSA 541-A by the ~~[secretary of~~
2 ~~state or his designee]~~ *executive director of the office of professional licensure and*
3 *certification.*

4 77 Refund of Fees; Repealed License Requirements. Any holder of an active license for a
5 profession whose license requirement is repealed by this act shall be refunded their license fee for
6 their current active license.

7 78 Effective Date. Sections 1-76 of this act shall take effect September 1, 2023.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Insert the following new section:

2

3 1 Office of the Consumer Advocate; Transfer Authority. The following expenditure classes
4 within the Office of the Consumer Advocates shall be exempt from the transfer restrictions in RSA
5 9:17-a and 9:17-c; and class 10- personal services-perm classified and class 60-benefits. The Office of
6 the Consumer Advocate is authorized to transfer funding attributable to vacant positions from these
7 classes into class 046 consultants and class 233 litigation provided that any such transfers shall be
8 limited to \$75,000 in each fiscal year. The provisions in this paragraph shall remain in effect for the
9 biennium ending June 30, 2025.

2023-1077h

AMENDED ANALYSIS

Insert:

1. Gives the office of the consumer advocate the authority to transfer funds for vacant positions.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following sections:
2

3 1 New Section; Superior Court; Land Use Review Docket. Amend RSA 491 by inserting after
4 section 7-a the following new section:

5 491:7-b Land Use Review Docket.

6 I. Without limiting the jurisdiction vested in any court in the state, and subject to the
7 appointment of a presiding justice by the governor with the consent of the executive council as
8 provided in this section, the supreme court may establish by court order not inconsistent with this
9 section, a land use review docket in the superior court which shall have jurisdiction to hear appeals
10 from decisions of local land use boards, including, but not limited to decisions of municipal planning
11 boards, zoning boards, historic district commissions, and conservation commissions. The jurisdiction
12 of this docket shall not include appeals of decisions by state agencies.

13 II. The governor with the consent of the executive council may appoint the first presiding
14 justice of the land use review docket, who shall be qualified by reason of such person's knowledge
15 and experience in land use and real property law. The first presiding justice of the land use review
16 docket shall be an additional justice of the superior court, which shall increase by one the number of
17 authorized justices of the superior court as provided in RSA 491:1. The chief justice of the superior
18 court, following the appointment or designation of the initial presiding justice, may designate such
19 additional justices to preside over cases assigned to the land use review docket, as necessary, based
20 upon caseload, disqualification of the presiding justice, or efficient allocation of judicial resources.

21 III. The presiding justice of the land use review docket shall be an associate justice of the
22 superior court and shall be entitled to the compensation and benefits provided to all such justices
23 under applicable law, including, but not limited to, RSA 491-A:1 and RSA 100-C.

24 IV. The workload of the presiding justice of the land use review docket shall be the matters
25 before that docket. The presiding justice may be assigned to any other matter within the jurisdiction
26 of the superior court or sit by designation on any other court in the same manner as any other
27 associate justice of the superior court, as determined to be necessary by the chief justices of the
28 superior and supreme courts.

29 V. Subject to the provisions of this section, all appeals to superior court filed pursuant to
30 RSA 677 and all proceedings for such appeals, shall be assigned to the land use review docket,
31 including motion practice, discovery, injunctive relief, alternative dispute resolution, and hearing on

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 the merits. Nothing in this section shall affect the concurrent jurisdiction of the housing appeals
2 board to hear appeals within its jurisdiction brought pursuant to RSA 679.

3 VI. The court shall hold a structuring conference within 30 days of its receipt of the notice of
4 appeal. At the structuring conference the court shall set a deadline for the filing with the court of
5 the certified record and shall schedule a hearing on the merits to be held within 60 days of receipt of
6 the certified record. The court shall issue a decision on the merits within 60 days of the hearing.
7 The court may extend any of the deadlines established in this paragraph upon agreement of the
8 parties or for other good cause shown, but if the extension is based upon good cause, the court shall
9 articulate in its order granting the extension the specific facts and circumstances that warrant the
10 extension.

11 2 Superior Court; Justices. Amend RSA 491:1 to read as follows:

12 491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and
13 council to a 5-year term, and ~~[21]~~ 22 associate justices. Said justices shall be appointed and
14 commissioned as prescribed by the constitution and shall exercise the powers of the court unless
15 otherwise provided. The chief justice shall be appointed from among the associate justices. In the
16 event that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-
17 year term, he or she may return to the position of associate justice, whether or not an associate
18 justice vacancy then exists.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 16 the following new section:

2

3 17 Department of Corrections; Position Reallocation; Appropriation.

4 I. The department of administrative services is hereby authorized to conduct a reallocation
5 of all the certified corrections officer and internal affairs investigators from the rank of corrections
6 officer trainee through the rank of major at the NH department of corrections. The department of
7 administrative services shall conduct an assessment review of the reallocation request pursuant to
8 personnel rule Per 303.

9 II. The governor is authorized to draw a warrant for said sums in this section out of any
10 money in the treasury not otherwise appropriated to fund the outcome of the reallocation. Such
11 funds shall not lapse until June 30, 2025.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 Department of Corrections; Division of Personnel and Information; Personnel Management;
4 Recruitment and Retention Program. RSA 21-H:4, V(a) is repealed and reenacted to read as follows:

5 (a) Personnel management, recruitment, and retention. The department shall develop a
6 program for the recruitment, selection, placement, and retention of qualified applicants for the New
7 Hampshire department of corrections.

8 (1) The program may include expenditures for recruitment and retention activities
9 and incentives, including but not limited to:

10 (A) National Corrections Professionals Week recognition activities at all
11 departmental sites to support employee retention, which may include a paid meal for the site during
12 the week, physical awards and gift cards with a value of less than \$25 as performance incentives
13 based on departmental policies for employee recognition, and items issued to employees that are
14 within the financial scope of the department's current expense appropriations in expenditure class
15 020.

16 (B) Referral fees or bonuses for active employees or newly hired applicants who
17 have not been employed by the state through a policy approved by the commissioner.

18 (2) Any recruitment or retention incentives received by an employee pursuant to this
19 subparagraph shall not be considered gifts under RSA 15-B.

20 (3) Referral of applicants by current department employees for the purpose of
21 receiving a referral fee pursuant to this subparagraph shall not be considered a misuse of position
22 under RSA 21-G:23, provided that any rules adopted by the commissioner and any directives issued
23 by the director regarding the referral program shall require that the benefits of the program shall be
24 equally available to all department employees, except as specified in subparagraph (1)(B), and
25 subject to uniform criteria established by the director.

26 (4) Any expenditures made for recruitment or retention incentives pursuant to this
27 subparagraph shall be considered a matter of legislatively-enacted public policy designed to benefit
28 employees and the state, and that is confined exclusively to the public employer by statute as
29 provided in RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this
30 paragraph shall be construed to invalidate any portion of a collective bargaining agreement entered
31 into by the state.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following new section:

2

3 1 New Paragraph; Department of Corrections; Powers and Duties of Commissioner. Amend
4 RSA 21-H:8 by inserting after paragraph XII the following new paragraph:

5 XIII. The commissioner shall have discretionary authority to pay burial and wake expenses
6 in an amount not to exceed \$10,000 for an employee whose death occurs while on duty with the
7 department of corrections and when the deceased employee's next of kin demonstrates an inability to
8 afford the burial or wake expenses.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 New Section; Electronic Licensing, Certification, and Registration System; Department of
4 Agriculture, Markets, and Food. Amend RSA 425 by inserting after section 12 the following new
5 section:

6 425:12-a Electronic Licensing, Certification, and Registration System. The department of
7 agriculture, markets, and food shall design, establish, and contract with a third party for the
8 implementation and operation of an electronic system to facilitate the handling of all departmental
9 licensing, certification, and registration duties. Such system shall be capable of receiving
10 electronically transmitted product registrations, license applications, certificate applications, and
11 related materials. Authorized users shall be capable of working in offline mode when an Internet
12 connection is not available. The commissioner shall adopt rules under RSA 541-A to govern methods
13 of obtaining, compiling, and maintaining such information it deems necessary to manage such
14 database. The commissioner shall also ensure that the database is secure from unauthorized access
15 or use.

16 2 Appropriation; Department of Agriculture, Markets, and Food; Electronic Licensing,
17 Certification, and Registration System. For the purpose of developing an electronic licensing,
18 certification, and registration system under RSA 425:12-a, there is hereby appropriated the sum of
19 \$360,000, for the fiscal year ending June 30, 2024, to the commissioner of the department of
20 agriculture, markets, and food. The governor is authorized to draw a warrant for said sum out of
21 any money in the treasury not otherwise appropriated.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 Refuse Reduction; Disposal Prohibited. Amend the section heading of RSA 149-M:27 to read
4 as follows:

5 149-M:27 [~~Refuse Reduction~~] ***Disposal Prohibited.***

6 2 New Paragraph; Food Waste Disposal. Amend RSA 149-M:27 by inserting after paragraph IV
7 the following new paragraph:

8 V.(a) Beginning February 1, 2025, any person generating one ton of food waste per week or
9 greater shall not dispose of such waste in a landfill or incinerator provided that:

10 (1) An alternative facility authorized to manage food waste consistent with the
11 provisions of subparagraph (b) is located within 20 miles of the point of generation; and

12 (2) The alternative facility has adequate capacity to accept the food waste.

13 (b) Food waste prohibited from disposal under subparagraph (a) shall be separated from
14 other types of solid waste and managed in accordance with one or more of the following methods, in
15 order of preference:

16 (1) Reduction of the amount generated at the source;

17 (2) Consumption by humans;

18 (3) Consumption by animals;

19 (4) Composting, digestion, or land application as appropriate; and

20 (5) Energy recovery not involving combustion.

21 3 Definitions; Food Waste. Amend RSA 149-M:4, IX-a to read as follows:

22 IX-a. ***"Food waste" means the organic residues generated by the handling,***
23 ***preparation, storage, sale, and serving of foods and beverages. "Food waste" includes pre-***
24 ***consumer and post-consumer organic residues, food scraps, and non-petroleum oil used for***
25 ***food preparation provided it does not contain sanitary wastewater.***

26 IX-b. "General permit" means a permit which contains terms and conditions applicable to a
27 specific category of facility, which applies to any facility in that category which has submitted the
28 required information and agreed to abide by the stated terms and conditions.

29 4 Solid Waste; Definitions; Source Reduction. RSA 149-M:4, XXIV is repealed and reenacted to
30 read as follows:

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 XXIV. "Source reduction" means the practice of reducing the quantity or toxicity of waste
2 generated at the source, before recycling, processing, disposal or treatment, by changing the
3 processes that first generated the waste. Source reduction includes waste reduction.

4 5 Department of Environmental Services; New Position; Waste Management Specialist III.
5 There is established the position of Waste Management Specialist III to administer the provisions of
6 RSA 149-M:27, V.

7 6 Appropriation; FY 2025; Department of Environmental Services. The sum of \$98,000 for the
8 fiscal year ending June 30, 2025 is hereby appropriated to the department of environmental services
9 for the position established in this act. The governor is authorized to draw a warrant for said sums
10 out of any money in the treasury not otherwise appropriated.

11 7 Effective Date. Sections 1-5 of this act shall take effect January 1, 2024.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following sections:

2

3 1 Department of Military Affairs and Veterans Services; Execution of Sentences. Amend RSA
4 110-B:55, I to read as follows:

5 I. Fines may be paid to a military court or to an officer executing its process. The amount of
6 any fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted
7 from any pay or allowance due or thereafter to become due them, until said fine is liquidated; or the
8 same may be collected with lawful costs of collection, as in the case of executions issued in action
9 founded upon torts. ***Fines collected shall be paid over to the state treasurer and credited to***
10 ***the New Hampshire national guard enlistment incentive fund under RSA 110-B:60.***

11 2 Department of Military Affairs and Veterans Services; New Hampshire National Guard
12 Enlistment Incentive Program Established. Amend RSA 110-B:60 to read as follows:

13 110-B:60 New Hampshire National Guard Enlistment Incentive Program Established. For the
14 purpose of encouraging enlistment in the national guard there is hereby established a New
15 Hampshire national guard enlistment incentive program. This program authorizes a cash incentive
16 up to ~~[\$500]~~ ***\$1,000*** to current members of the New Hampshire national guard in the pay grades of
17 E-1 to O-3 or any former member of the New Hampshire national guard for each new or prior service
18 recruit that they bring into the New Hampshire national guard.

19 3 Department of Military Affairs and Veterans Services; Revenue for Enlistment Incentive
20 Program. Amend RSA 110-B:61, I to read as follows:

21 I. There is hereby established a fund to be known as national guard enlistment incentive
22 program fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and
23 any interest earned on the fund shall be used for the purpose of encouraging enlistment in the
24 national guard and shall not be used for any other purpose. The adjutant general shall oversee
25 expenditures from the fund. The moneys in the fund shall be ***continually appropriated and***
26 ***nonlapsing.***

27 4 Department of Military Affairs and Veterans Services; National Guard Enlistment Incentive
28 Program; Oversight and Administration. Amend RSA 110-B:62 to read as follows:

29 110-B:62 Oversight and Administration. The adjutant general shall ~~[adopt rules pursuant to~~
30 ~~RSA 541-A relative to]~~ ***establish procedures necessary for*** the administration of the enlistment
31 incentive program and relative to its execution by the New Hampshire Army and Air National

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 Guard recruiting offices in coordination with the department of military affairs and veterans
2 services.

3 5 Department of Military Affairs and Veterans Services; Postsecondary Educational Assistance;
4 Eligibility Determinations. Amend RSA 110-B:63-d to read as follows:

5 110-B:63-d Eligibility Determinations. Eligibility for educational assistance provided by this
6 subdivision shall be determined and monitored by the adjutant general, who shall *establish* [~~adopt~~
7 ~~rules, pursuant to RSA 541-A, and~~ procedures [~~deemed by the adjutant general to be~~] necessary to
8 carry out and monitor the educational assistance provided by this subdivision.

9 6 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following sections:

2

3 1 Purpose and Use; Solid Waste Management Fund. Amend RSA 149-R:4, III to read as follows:

4 III. The department is authorized to solicit funds from ~~[the United States Environmental~~
5 ~~Protection Agency or other agencies that are targeted for making grants consistent with this section]~~
6 ***any source, including the United States Environmental Protection Agency and other***
7 ***federal agencies, gifts, donations of money, grants, legislative appropriations, or any***
8 ***matching funds and incentives.*** ~~[Such funds, when received, may be deposited into the fund, and~~
9 ~~shall be used for the purposes described in this chapter.]~~ ***Notwithstanding RSA 4:8 and RSA***
10 ***14:30, VI, the commissioner may accept and deposit such funds directly into the solid waste***
11 ***management fund to be used for the purpose described in RSA 149-R:4.***

12 2 Appropriation; Solid Waste Management Fund. The sum of \$2,000,000 for the fiscal year
13 ending June 30, 2023, is hereby appropriated to the solid waste management fund established under
14 RSA 149-R:3. Of this appropriation, 50 percent shall be used to give priority to projects associated
15 with the reduction and diversion of food, food waste, and other organic wastes until June 30, 2027.
16 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
17 otherwise appropriated.

18 3 Effective Date. Section 2 of this act shall take effect June 30, 2023.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 State Liquor Stores; Closing of State Stores. Amend RSA 177:2 to read as follows:

4 177:2 Closing of State Stores.

5 I. The commission may close any state liquor store to improve profitability and efficiency. In
6 determining net operating profit or loss, the commission shall adhere to generally accepted
7 accounting principles for both revenues and expenses and shall include an allocation for indirect
8 costs. All information regarding a decision to close any state liquor store shall be made available, by
9 the commission, to the public upon request. The commission shall provide public notice 30 days
10 prior to closing any state liquor store. The commission shall submit a report of state liquor store
11 closings to the fiscal committee of the general court when store closings occur.

12 II. In order to properly reflect the operating expenses of each state store, the commission
13 shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the
14 commission. All such expenses of the commission, with the exception of the enforcement and
15 licensing division operating expenses, shall be included in the plan and allocated to all state stores
16 on a consistent, rational basis. No later than [~~30 days following~~] **3 months prior to** the closure of
17 any state liquor store, the commission shall submit a revised indirect cost allocation plan to the
18 fiscal committee of the general court and the governor and council for approval.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 Definitions; PFAS Fund and Programs. Amend RSA 485-H:2, IV to read as follows:

4 IV. "PFAS [~~loan~~] **response** fund" means the PFAS [~~remediation loan~~] **response** fund
5 established in RSA 485-H:10.

6 2 Implementation of Drinking Water Protection Program; PFAS Response Fund. Amend RSA
7 485-H:3, III-IV to read as follows:

8 III. The department shall adopt rules, and include conditions in loan and grant documents,
9 to ensure that the applicant has made and will make reasonable efforts to obtain and use funds from
10 any liable or potentially liable third party prior to and after taking a loan from the PFAS [~~loan~~]
11 **response** fund or receiving a grant, and that any money received from a liable or potentially liable
12 third party after the loan is provided is applied to early repayment of such loan to the extent
13 reasonable. In addition, the department shall adopt rules establishing criteria to ensure that an
14 applicant shall not be eligible for loans or grants for any project or portion of a project to the extent
15 the negligence of the applicant caused the contamination that resulted in the exceedance of a PFAS
16 drinking water standard.

17 IV. If the department forgives any part of a loan or provides a grant related to costs for a
18 project for which a third party might otherwise be liable, the right to recover payment from such
19 third party shall be subrogated to the department to the extent of such forgiveness or grant. Any
20 money recovered by the department from such third party shall be deposited in the PFAS [~~loan~~]
21 **response** fund.

22 3 Implementation of Groundwater, Surface Water and Aquatic Life Protection; PFAS Response
23 Fund. Amend RSA 485-H:4, III-IV to read as follows:

24 III. The department shall adopt rules, and include conditions in loan and grant documents,
25 to ensure that the applicant has made reasonable efforts to obtain and use funds from any liable or
26 potentially liable third party prior to and after taking a loan from the PFAS [~~loan~~] **response** fund or
27 receiving a grant, and that any money received from a liable or potentially liable third party at a
28 later time is applied to early repayment of the loan from the PFAS [~~loan~~] **response** fund to the
29 extent reasonable. In addition, the department shall adopt rules establishing criteria to ensure that
30 an applicant shall not be eligible for loans or grants for any project or portion of a project to the
31 extent the negligence of the applicant caused the contamination that resulted in the exceedance of
32 an applicable PFAS standard.

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 IV. If the department forgives any part of a loan or provides a grant related to costs for a
2 project for which a third party might otherwise be liable, the right to recover payment from such
3 third party shall be subrogated to the department to the extent of such forgiveness. Any money
4 recovered by the department from such third party shall be deposited in the PFAS [~~loan~~] **response**
5 fund.

6 4 New Subparagraph; Duties of the Department; PFAS Response. Amend RSA 485-H:8, I by
7 inserting after subparagraph (d) the following new subparagraphs:

8 (e) Investigating, testing, and monitoring PFAS in soil, groundwater, surface water,
9 wastewater, air, biota, and other media.

10 (f) Conducting scientific investigation to support development of appropriate regulatory
11 standards for PFAS, and development and implementation of treatment and remediation methods
12 for PFAS in air, water, soil and other media.

13 5 PFAS Response Fund Established. Amend RSA 485-H:10 to read as follows:

14 485-H:10 PFAS [~~Remediation Loan~~] **Response** Fund Established. There is hereby established
15 in the department the PFAS [~~remediation loan~~] **response** fund which shall be maintained [~~by the~~
16 ~~state treasurer in~~] **as** distinct and separate [~~custody~~] from all other funds[~~, notwithstanding RSA~~
17 ~~6:12~~]. The [~~state treasurer may invest the~~] PFAS [~~remediation loan~~] **response** fund **shall be**
18 **invested** in accordance with RSA 6:8. Any earnings on PFAS [~~remediation loan~~] **response** fund
19 moneys shall be added to the PFAS [~~remediation loan~~] **response** fund. All moneys in the PFAS
20 [~~remediation loan~~] **response** fund shall be non-lapsing and shall be continually appropriated to the
21 department. The PFAS [~~remediation loan~~] **response** fund shall be used to fund **departmental**
22 **duties as outlined in RSA 485-H:8, including** loans, **grants**, and reimbursements in accordance
23 with this chapter. Funds from any bond proceeds, grants, loan repayments, legislative
24 appropriations, donations, and other funds related to the PFAS [~~remediation loan~~] **response** fund
25 shall be credited to the PFAS [~~remediation loan~~] **response** fund.

26 6 Application of Receipts; PFAS Response Fund. Amend RSA 6:12, I(b)(361) to read as follows:

27 (361) Moneys deposited in the PFAS [~~remediation loan~~] **response** fund established
28 in RSA 485-H:10.

29 7 PFAS Response fund. Amend 2022, 326:10 to read as follows:

30 326:10 Appropriation; PFAS [~~Remediation Loan~~] **Response** Fund. The sum of \$25,000,000 for the
31 fiscal year ending June 30, 2022 is hereby appropriated to the PFAS [~~remediation loan~~] **response**
32 fund established under RSA 485-H:10 to fund grants and reimbursements in accordance with RSA
33 485-H:11. The governor is authorized to draw a warrant for said sum out of any money in the
34 treasury not otherwise appropriated. **Up to 10 percent of the moneys appropriated under this**
35 **section may be used to fund the duties of the department outlined in RSA 485-H:8, I.**

36 8 Effective Date. This act shall take effect upon its passage.

Rep. D. McGuire, Merr. 14
March 19, 2023
2023-1075h
07/10

Amendment to HB 2-FN-A-LOCAL

1 Insert the following new section:

2

3 1 Appropriation; New Hampshire Retirement System; Unfunded Accrued Liability. The sum of
4 \$50,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the New Hampshire
5 retirement system. Said appropriation shall be used by the New Hampshire retirement system to
6 pay down the unfunded accrued liability and shall not be used for any other purposes. The governor
7 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
8 appropriated.

2023-1075h

AMENDED ANALYSIS

Insert:

1. Makes an appropriation to the New Hampshire retirement system to pay down the unfunded accrued liability.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following new section:
2

3 1 Revenue Information Management System Account. Amend RSA 21-J:1-b, I to read as
4 follows:

5 I. There is hereby established a nonlapsing revenue information management system
6 account. The state treasurer shall credit the additional revenue from existing taxes collected by the
7 department attributable to implementation of the department's revenue information management
8 system (RIMS), as calculated by the commissioner of the department of revenue administration, to
9 the revenue information management system account from which the treasurer shall pay principal
10 and interest on bonds and notes issued to fund the RIMS project. *If the revenue information*
11 *management systems account revenue is not sufficient to cover the principal and interest*
12 *on the bonds and notes to fund the RIMS project, the governor is authorized to draw a*
13 *warrant from funds not otherwise appropriated.* Said funds shall not be used for any other
14 purpose.

2023-1129h

AMENDED ANALYSIS

Add:

1. Authorizes the governor to draw a warrant to supplement the department of revenue administration's revenue information management system's bond principal and interest payments.

Rep. Weyler, Rock. 14
March 16, 2023
2023-1042h
02/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following section:

2

3 1 Budget Trailer Bill; Transmission to the Legislature; Changes to Statutory Law. Amend RSA
4 9:2-a to read as follows:

5 9:2-a Transmission to the Legislature; Changes to Statutory Law. Not later than February 15 of
6 the first year of each biennial legislative session, the governor shall transmit to the legislature a
7 document to be known as the trailer bill containing any changes to statutory law deemed necessary
8 for the ensuing biennium. This document shall be separate from the document known as the budget
9 as provided in RSA 9:2 and shall not be considered a budget bill as provided in part II, article 18-a of
10 the New Hampshire constitution. This document shall be available in printed format and at least
11 one electronic computer file format in common use at the time ***and shall be publicly posted on the***
12 ***department of administrative services' website on the date of the transmittal.***

Amendment to HB 2-FN-A-LOCAL

1 Insert the following new sections:

2

3 1 New Section; Retirement System; Supplemental Allowance; Certain Group II Members.

4 Amend RSA 100-A by inserting after section 41-e the following new section:

5 100-A:41-f Supplemental Allowance; Group II.

6 I.(a) Any retired group II member of the New Hampshire retirement system or any of its
7 predecessor systems, who has been retired for at least 120 months, but not more than 239 months
8 prior to or on July 1, 2023, or any beneficiary of such member who is receiving an allowance, shall be
9 entitled to receive a supplemental allowance. The amount of such supplemental allowance shall be
10 the result of the calculation of \$200 times the number of years since the member's retirement date
11 minus \$900, provided that such supplemental allowance shall be reduced so that the total annual
12 benefit of the member or beneficiary shall not exceed \$100,000. A member or beneficiary whose
13 annual retirement benefit is \$100,000 or greater shall not receive any supplemental allowance.

14 (b) Any retired group II member of the New Hampshire retirement system or any of its
15 predecessor systems, who has been retired for at least 240 months, prior to or on July 1, 2023 or any
16 beneficiary of such member who is receiving an allowance, shall be entitled to receive a
17 supplemental allowance. The amount of the supplemental allowance shall be \$3,000, provided that
18 such supplemental allowance shall be reduced so that the total annual benefit of the member or
19 beneficiary shall not exceed \$100,000. A member or beneficiary whose annual retirement benefit is
20 \$100,000 or greater shall not receive any supplemental allowance.

21 II. The total cost of the supplemental allowances under paragraph I, as determined by the
22 actuary and certified by the board of trustees of the retirement system, shall be funded from the
23 state general fund. The sum necessary is hereby appropriated to the board of trustees. The
24 governor is authorized to draw a warrant for said sum out of any money in the treasury for the fiscal
25 year ending June 30, 2023 not otherwise appropriated.

26 III. The supplemental allowance shall not become a permanent addition to the beneficiary's
27 base retirement allowance and shall be paid to the retired member, or to the member's beneficiary if
28 the member is deceased and the beneficiary is receiving an allowance for group II under RSA 100-
29 A:8, 100-A:9, 100-A:12, 100-A:13, or similar provisions of predecessor systems.

30 IV. The payment of the supplemental allowance under this section shall be made by the
31 retirement system as soon as administratively practicable after the effective date of this section, but
32 not later than November 1, 2023.

Amendment to HB 2 -FN-A-LOCAL
- Page 2 -

1 2 Effective Date. Section 1 of this act shall take effect June 30, 2023.

Rep. Weyler, Rock. 14
March 16, 2023
2023-1046h
02/10

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following section:

2

3 1 Department of Administrative Services; General Fund Appropriation Lapse; Report. For the
4 biennium ending June 30, 2025, the department of administrative services shall provide a report to
5 the fiscal committee of the general court on the current estimated general fund appropriation lapse
6 for each fiscal year. Said reports shall be due on the 15th day of December, February, April, and
7 June of each fiscal year.

2023-1046h

AMENDED ANALYSIS

Add:

Requires that the department of administrative services provide reports to the general court on the current estimated general fund appropriation lapse for each fiscal year for the biennium ending June 30, 2025

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following new section:

2

3 1 Administrative Services; Public Works Design and Construction; Definition of Project. Amend
4 RSA 21-I:78, IX to read as follows:

5 IX. "Project" means any construction, reconstruction, alteration, or maintenance in any
6 building, plant, fixture, or facility.

7 (a) The term shall include those projects relating to buildings, plants, fixture, or
8 facilities formerly administered through the department of transportation, division of public works.

9 (b) *The term shall include projects relating to state trails, roads, bridges, and*
10 *related maintenance and use of facilities under fish and game provisions in title XVIII,*
11 *public recreation provisions in title XIX, and forestry provisions in title XIX-A. The*
12 *commissioner may waive requirements for approval by governor and council for short term*
13 *rentals of equipment contracted for or acquired for the purposes of projects under this*
14 *subparagraph, provided such projects are reported quarterly to the fiscal committee of the*
15 *general court.*

16 (c) The term shall not include construction, reconstruction, alteration, or maintenance
17 of highways, bridges, or other items directly related to transportation, which matters shall be
18 managed by the department of transportation.