

HB 2-FN-A-LOCAL - AS AMENDED BY THE HOUSE

7Apr2021... 1059h

2021 SESSION

21-1082

08/10

HOUSE BILL

2-FN-A-LOCAL

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

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

COMMITTEE: Finance

AMENDED ANALYSIS

1. Requires the judicial branch to reimburse the sheriff's offices for costs of court security and prisoner custody and control, within available funds appropriated by the legislature, and requires remote technology whenever possible.

2. Makes a transfer of unexpended funds to the state heating system savings account.

3. Eliminates the bureau of planning and management functions and moves such functions to the division of plant and property.

4. Establishes the graphic services fund in the department of administrative services.

5. Consolidates human resources and payroll functions in the department of administrative services.

6. Repeals the memorandum of understanding with the commissioner of the department of health and human services for the purpose of delineating the functions to be assumed by the department of administrative services.

7. Extends the date on which an appropriation to the department of administrative services for scheduling software lapses.

8. Directs the payment of state employee medical benefits payments from the retirement system.

9. Enables the supreme court to transfer funds.

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

11. Enables the sale of the lakes region facility in Laconia.

12. Requires the commissioner of the department of health and human services to make quarterly reports on the status of estimated Medicaid payments in relation to actual costs.

13. Repeals provisions relative to the senior volunteer grant program.

14. Establishes the emergency services for children, youth, and families fund.

15. Eliminates certain parental reimbursements.

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16. Prohibits the distribution of state funds awarded by the department of health and human services to a reproductive health care facility for provision of abortion services.
17. Makes an appropriation to the department of health and human services for streamlining agency operations.
18. Requiring the commissioner of the department of health and human services to submit an amendment to the Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals for the biennium.
19. Enables the department of military affairs and veterans services to provide support for veterans' mental health and preventing social isolation.
20. Transfers the controlled drug prescription health and safety program to the department of health and human services.
21. Suspends revenue sharing with cities and towns for the biennium.
22. Enables the liquor commission to process merchant cards.
23. Enables the department of education to accept gifts, contributions, and bequests for the New Hampshire scholars program.
24. Changes the calculation for pupils eligible for a free or reduced price meals.
25. Makes transfers to the education trust fund.
26. Authorizes expenditures for energy efficient school buses.
27. Establishes the position of director of intergovernmental affairs in the department of business and economic affairs.
28. Repeals the bureau of film and digital media.
29. Suspends the crediting of meals and rooms tax revenue to the division of travel and tourism.
30. Enables the department of corrections to transfer funds.
31. Changes the approval threshold for contracts set by the governor and council manual of procedures.
32. Prohibits the dispersing of state aid grants for certain new infrastructure projects in the department of environmental services unless the state general fund unrestricted revenues as reported by the department of administrative services are above the revenue plan.
33. Renames the divisions of the office of professional licensure and certification and establishes pharmacy compliance investigator positions within the office.
34. Renames the divisions of the office of professional licensure and certification and establishes pharmacy compliance investigator positions within the office.
35. Makes an appropriation to the New Hampshire Internet crimes against children fund.
36. Transfers funds from the investors education fund and the department of justice consumer protection escrow account to the FRM victims recovery fund and removes the prospective repeal of the fund.

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37. Makes an appropriation to the department of health and human services for the purpose of funding one-time maintenance of the Medicaid management information system.
38. Amends the powers of the governor relating to declaring a state of emergency and authorizes the creation of a nominal state of emergency for the purpose of continuing a state of emergency for financial reasons.
39. Provides for transfer of funds from the revenue stabilization reserve account to the general fund surplus account based the most recent fiscal biennium rather than fiscal year.
40. Reduces the tax rate of, and in 2027 eliminates, the interest and dividends tax.
41. Reduces the tax rate of the meals and rooms tax.
42. Increases the filing threshold for the business enterprise tax and reduces the rate of the tax; and reduces the rate of the business profits tax.
43. Limits the amount of the credit allowed against overpayment of the business profits tax and the business enterprise tax and establishes a commission to study limiting the business tax credit carry over.
44. Allows the New Hampshire veterans' home to transfer funds within accounting units for the biennium ending June 30, 2023.
45. Revises the procedure for compensation for loss of agricultural products or livestock due to bears.
46. Establishes the New Hampshire higher education merger assessment commission.
47. Authorizes the department of information technology to fill unfunded positions.
48. Modifies the composition and operation of the adult parole board and permits remote meetings during a pandemic or other declared state of emergency.
49. Requires employer pro rata payments to the workers' compensation administration fund to be based on the preceding calendar year ratios and amends the payment of per diems to workers' compensation appeals board members.
50. Makes various changes to the apprenticeship programs in trade and industry.
51. Amends the unemployment compensation fund balance necessary to trigger increases or decreases in employer contributions to the fund and repeals the emergency surcharge power of the commissioner of the department of employment security.
52. Imposes strict liability on any person who renders any highway unsuitable for public travel, including full and current replacement cost.
53. Provides that proceeds from a sale that results from money provided by the highway fund for payback of real property purchased with federal funds shall be credited to the department of transportation for the purpose of meeting federal obligations or reimbursing the highway fund for payment of federal obligations.
54. Adds definitions relating to small unmanned aircraft and small unmanned aircraft systems to the New Hampshire aeronautics act.
55. Amends an appropriation to the department of transportation for the 2018 fiscal year and provides that it lapse to the highway fund and be expended for the purpose of funding state red list bridge projects.

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

57. Establishes a body-worn and dashboard camera fund and makes an appropriation to the fund; establishes a classified business administrator I position in the department of safety; and establishes a commission to develop recommendations for legislation to establish a single, neutral, and independent statewide entity to receive complaints alleging misconduct regarding all sworn and elected law enforcement officers.

58. Requires the department of safety, in collaboration with the department of administrative services, to establish standards for radio infrastructure-related hardware, computers, software, related licenses, media, documentation, support and maintenance services.

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

60. Authorizes the judicial council to request additional funding expenditures for termination of parental rights services that are greater than amounts appropriated in the operating budget.

61. Moves the governor's scholarship program and fund from the office of strategic initiatives to the college tuition savings plan and authorizes the college tuition savings plan advisory commission to transfer funds between the governor's scholarship fund and the New Hampshire excellence in higher education endowment trust fund.

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

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

64. Administratively attaches the public utilities commission to the department of energy and makes corresponding changes to existing laws relating to the organization and duties of the public utilities commission to reflect this change.

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

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

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

68. Requires that the department of energy require electric and gas utilities to operate an online energy data platform and, in conjunction with the public utilities commission, implement a statewide electric utility restructuring plan.

69. Requires the bank commissioner to charge the public deposit investment pool for actual costs incurred by the banking department to operate the pool.

70. Removes the consideration of weighted apportionment factors under the business profits tax from inclusion in the tax expenditure report and includes the regional career and technical education center tax credit.

71. Delays the enactment of the single sales factor for determining apportionment under the business profits tax and the business enterprise tax and extends and amends the legislative committee on apportionment.

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72. Defines and regulates pari-mutuel pools on historic horse racing.

73. Allowing the department of employment security to participate in a department of labor information hub to combat fraud and waste.

74. Makes changes to liquor license fees for agency licenses and retail tobacco licenses and clarifies certain other liquor license fee provisions.

75. Renames the enforcement and licensing division in the liquor commission as education and licensing and renames liquor investigators as liquor license specialists.

76. Defines and prohibits the dissemination of certain divisive concepts related to sex and race in state contracts, grants, and training programs.

77. Requires violations of the governor's emergency orders regarding the Covid-19 pandemic to be reversed.

78. Creates a database for animal records; renames animal health certificates as certificates of transfer; authorizes the commissioner of the department of agriculture, markets, and food to transfer money to and from certain funds in order to establish the animal record database and to repay monies transferred from other funds; and establishes a position in the department of information technology for the building and management of the animal records database.

79. Establishes the dual and concurrent enrollment program in the community college system of New Hampshire and amends the administrative responsibilities for the program.

80. Makes an appropriation to the community college system of New Hampshire for the dual and concurrent enrollment program.

81. Increases the limit on the amount of the annual grant for leased space provided to a chartered public school.

82. Requires the department of education to develop and maintain a 10-year plan for school building grant projects.

83. Provides that the amount necessary to fund kindergarten adequate education grants shall be appropriated from the education trust fund; authorizes the governor to draw a warrant to eliminate a deficit if the balance in the education trust fund falls below zero; and makes an appropriation to the department of education for fiscal year 2020 kindergarten funding.

84. Provides that members-at-large are included as representatives of the same town as a deceased member of a school planning committee for the purpose of filling vacancies.

85. Makes an appropriation to the education trust fund.

86. Makes an appropriation to the department of transportation for federal and state highway aid, the highway and bridge betterment program, the acquisition of fleet vehicles, and for winter maintenance operations.

87. Makes an appropriation to the department of education to accelerate remaining school building aid payments to school districts.

88. Reduces the amount of education tax revenue to be raised for the 2023 fiscal year.

89. Requires the department of health and human services to fund employment-related child care services without a wait list.

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90. Addresses the criteria for secure detention pending adjudication and the circumstances in which a minor may be committed to the department of health and human services for the remainder of his or her minority.

91. Requires the closure of the Sununu youth services center and the transfer of all children committed or detained at the facility.

92. Establishes a commission to study the closure of the Sununu youth services center.

93. Makes an appropriation to the department of health and human services for the general purpose of closing the Sununu youth services center and related activities.

94. Makes an appropriation to the department of health and human services for job training and incentive programs for state workers with priority given to employees displaced by the closure of the Sununu youth services center.

95. Directs the department of administrative services to take possession of the Sununu youth services center (SYSC) property.

96. Limits further expansion of the closed loop referral system by the department of health and human services pending review of the system by the legislative oversight committee on health and human services.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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

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

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

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

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

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

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

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

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

5 3 Divisions of Procurement and Support Services; Planning and Management Functions.
6 Amend RSA 21-I:11,I(c)(4) to read as follows:

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

9 4 New Subparagraph; Graphic Services Fund Established; Department of Administrative
10 Services. Amend RSA 21-I:12, I by inserting after subparagraph (e) the following new
11 subparagraph:

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

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

22 5 Division of Plant and Property; Planning and Management. Amend RSA 21-I:12, II to read as
23 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (a) Accounts receivable;

34 (b) Accounts payable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 12 Repeal. 2005, 291:3, V(c), relative to the memorandum of understanding with the
18 commissioner of the department of health and human services for the purpose of delineating the
19 functions to be assumed by the department of administrative services, is repealed.

20 13 Appropriation; Department of Administrative Services. Any remainder of the sum of
21 \$1,300,000 appropriated for the fiscal year ending June 30, 2020 to the department of administrative
22 services for the purpose of obtaining scheduling software under 2019, 346:244 shall not lapse until
23 June 30, 2023. The governor is hereby authorized to draw a warrant for said sum out of any money
24 in the treasury not otherwise appropriated.

25 14 Retirement System; Medical Benefits. Amend RSA 100-A:52, III-III-a to read as follows:

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

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

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

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

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

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

30 16 Judicial Branch; Transfer Among Accounts and Classes. Notwithstanding any provision of
31 law to the contrary, and subject to approval of the fiscal committee of the general court, for the
32 biennium ending June 30, 2023, the supreme court may transfer funds within and among all
33 accounting units within the judicial branch as the supreme court deems necessary and appropriate
34 to address budget reductions or to respond to changes in federal laws, regulations, or programs, and
35 otherwise as necessary for the efficient management of the judicial branch. If the supreme court
36 intends to transfer funds which would otherwise meet the transfer requirements as set forth in RSA

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1 9:17-d, prior approval of the fiscal committee of the general court shall be required for transfers of
2 \$100,000 or more.

3 17 Judicial Branch; Reimbursement of Sheriff's Office for Court Security. For the biennium
4 ending June 30, 2023, the state shall reimburse the sheriff's office for court security at the rates
5 provided in the collective bargaining agreement applicable to per diem court security officers
6 employed by the judicial branch to attend any official business, for any person employed as a bailiff
7 by the sheriff's office.

8 18 Lakeshore Redevelopment Planning Commission; Duties of the Commission. Amend RSA
9 10:7, IX to read as follows:

10 IX. Make recommendations for any legislative changes necessary to implement the
11 recommendations by the commission, ***including the sale of any part of the facility, to the***
12 ***commissioner of the department of administrative services and the long range capital***
13 ***planning and utilization committee.***

14 19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the
15 following new section:

16 10:11 Lakes Region Facility; Sale. Any sale of the land or buildings comprising the lakes region
17 facility shall be subject to the requirements of RSA 4:40. All proceeds from the sale shall be
18 deposited into the general fund.

19 20 Commissioner of Health and Human Services; Quarterly Reports. During the biennium
20 ending June 30, 2023, the commissioner of health and human services shall make quarterly reports
21 to the governor, the speaker of the house of representatives, and the senate president on the status
22 of estimated Medicaid payments in relation to actual costs. Further contents of such reports shall be
23 as specified by the governor.

24 21 Department of Health and Human Services; Unfunded Positions; Authorization.
25 Notwithstanding any other provision of law to the contrary, the department of health and human
26 services may fill unfunded positions during the biennium ending June 30, 2023, provided that the
27 total expenditure for such positions shall not exceed the amount appropriated for personal services.

28 22 Repeal. The following are repealed:

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

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

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

33 23 Department of Health and Human Services; Social Services Block Grant Cost of Living
34 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
35 June 30, 2023, the department of health and human services shall raise the income eligibility for
36 elderly and adult clients under the social services block grant program each January, by the
37 percentage amount of the cost of living increase in social security benefits on a yearly basis provided

1 such amount is consistent with federal law and regulations relative to the social services block grant
2 income eligibility.

3 24 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a to read as
4 follows:

5 167:18-a County Reimbursement of Funds; Limitations on Payments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 25 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
33 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV, as amended by 2019, 346:64
34 to read as follows:

35 IV. Section 10 of this act shall take effect ~~[June 30, 2021]~~ ***June 30, 2023.***
36 26 Effective Date. Section 25 shall take effect June 30, 2021.

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1 27 The New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3,
2 I(e)-(g) to read as follows:

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

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

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

8 28 New Subparagraph; Emergency Services for Children, Youth and Families Fund. Amend
9 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

12 29 New Section; Department of Health and Human Services; Establishing the Emergency
13 Services for Children, Youth, and Families Fund. Amend RSA 170-G by inserting after section 4-g
14 the following new section:

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

25 30 Parental Reimbursement; Child Services. Amend 2020, 26:57, II-III to read as follows:

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

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

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

34 32 Department of Health and Human Services; Program Eligibility; Additional Revenues. For
35 the biennium ending June 30, 2023, the department of health and human services shall not
36 authorize, without prior consultation with the house health, human services and elderly affairs
37 committee and the senate health and human services committee and the approval of the fiscal

1 committee of the general court and governor and council, any change to program eligibility
2 standards or benefit levels that might be expected to increase or decrease enrollment in the program
3 or increase expenditures from any source of funds; provided, however, that no such prior approval
4 shall be required if a change to a federal program in which the state is participating as of the
5 effective date of this section is required by federal law.

6 33 Department of Health and Human Services; Change in Federal Match Revenue. During the
7 biennium ending June 30, 2023 any item submitted to the fiscal committee of the general court
8 which increases a draw on federal funds, as a result of miscalculation of or change in the state's
9 share of a federal match program in excess of \$100,000 in an accounting unit, shall include an
10 explanation stating if any general funds have been supplanted, and if so, for what purpose those
11 supplanted general funds will be used, and the amount of supplanted general funds anticipated to
12 lapse.

13 34 Reproductive Health Facilities. No state funds shall be awarded by the department of health
14 and human services to a reproductive health care facility, as defined in RSA 132:37, I, except the
15 funding available from the state pursuant to Title XIX of the Social Security Act to the minimum
16 extent necessary to comply with federal conditions for the state's participation in the Medicaid
17 program. In order to ensure that public funds are not used to subsidize abortions directly or
18 indirectly, no funds, grants, or contracts shall be awarded for a family planning project, including
19 but not limited to funding under budget line 902010-5530, unless the state funded family planning
20 program project is physically and financially separate from a reproductive health facility as defined
21 in RSA 132:37, I and no family planning grantee shall enter into any contract with a reproductive
22 health facility.

23 35 Appropriation; Department of Health and Human Services. There is hereby appropriated to
24 the department of health and human services the sum of \$3,300,000, for the biennium ending June
25 30, 2023, for the purpose of implementing certain recommendations, from a financial review
26 conducted by Alvarez & Marsal, to streamline certain agency operations resulting in greater
27 efficiencies and accountability, and involving certain transformation projects over a 4-year period.
28 Additionally, the department may accept and expend any applicable federal funds, and any gifts,
29 grants, or donations that may be available for the purposes of this section. This appropriation shall
30 not lapse until June 30, 2023. The governor is authorized to draw a warrant for said sum out of any
31 money in the treasury not otherwise appropriated.

32 36 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
33 commissioner of the department of health and human services shall submit a Title XIX Medicaid
34 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
35 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2023.

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1 37 New Section; Department of Military Affairs and Veterans Services; Support for Veterans
2 Mental Health and Social Isolation. Amend RSA 110-B by inserting after section 73-c the following
3 new section:

4 110-B:73-d Support for Veterans Mental Health and Social Isolation. The department of
5 military affairs and veterans services shall coordinate access to mental health programs available
6 through the United States Department of Veterans Affairs (VA), including but not limited to the VA
7 Solid Start program, which contacts every veteran multiple times by phone in the first year after
8 they leave active duty to check in and help connect them to VA programs and benefits, the Buddy
9 Check program through which veterans reach out to each other to provide peer support, and the
10 proposed Green Alert Act, which will help to locate veterans when they go missing so they can
11 receive appropriate care, in a manner similar to the Silver Alert system for older Americans and the
12 Amber Alert system for children. The department will help veterans to find and enroll in the variety
13 of mental health programs offered by the VA.

14 38 New Subdivision; Controlled Drug Prescription Health and Safety Program. Amend RSA
15 126-A by inserting after section 88 the following new subdivision:

Controlled Drug Prescription Health and Safety Program

16 126-A:89 Definitions. In this subdivision:

17 I.(a) "Chronic pain" means a state in which pain persists beyond the usual course of an acute
18 disease or healing of an injury, or that might or might not be associated with an acute or chronic
19 pathologic process that causes continuous or intermittent pain over months or years. It also includes
20 intermittent episodic pain that might require periodic treatment.
21

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

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

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

29 II. "Commissioner" means the commissioner of the department of health and human
30 services.

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

32 IV. "Department" means the department of health and human services, established in RSA
33 126-A:4.

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

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

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

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

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

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

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

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

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

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

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

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

26 126-A:90 Controlled Drug Prescription Health and Safety Program Established.

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

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

35 III. Prescription information held by the program relating to any individual shall be deleted
36 3 years after the initial prescription was dispensed. All de-identified data may be kept for statistical
37 and analytical purposes in perpetuity.

1 IV. The commissioner shall establish an advisory council, as provided in RSA 126-A:96.
2 126-A:91 Controlled Drug Prescription Health and Safety Program Operation.

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

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

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

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

12 (c) Practitioners who prescribe and dispense schedule II-IV controlled substances shall
13 register with the program as both a prescriber and a dispenser unless exempted pursuant to RSA
14 126-A:89, VI.

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

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

19 V. Each dispenser shall submit to the program the information regarding each dispensing of
20 a schedule II-IV controlled substance. Any dispenser located outside the boundaries of the state of
21 New Hampshire and who is licensed and registered by the pharmacy board, established in RSA
22 318:2, shall submit information regarding each prescription dispensed to a patient who resides
23 within New Hampshire.

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

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

28 (b) Prescriber's DEA registration number.

29 (c) Date of dispensing.

30 (d) Prescription number.

31 (e) Number of refills granted.

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

33 (g) Quantity dispensed.

34 (h) Number of days supply of drug.

35 (i) Patient's name.

36 (j) Patient's address.

37 (k) Patient's date of birth.

- 1 (l) Patient's telephone number, if available.
- 2 (m) Date prescription was written by prescriber.
- 3 (n) Whether the prescription is new or a refill.
- 4 (o) Source of payment for prescription.

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

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

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

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

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

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

22 126-A:92 Confidentiality.

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

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

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

35 126-A:93 Providing Controlled Drug Prescription Health and Safety Information.

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

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

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

7 (b) By written request, to:

- 8 (1) A patient who requests his or her own prescription monitoring information.
9 (2) The board of dentistry, the board of medicine, the board of nursing, the board of
10 registration in optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy
11 board; provided, however, that the request is pursuant to the boards' official duties and
12 responsibilities and the disclosures to each board relate only to its licensees and only with respect to
13 those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.

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

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

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

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

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

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

35 III. The program administrator shall review the information to identify information that
36 appears to indicate whether a person may be obtaining prescriptions in a manner that may

1 represent misuse or abuse of schedule II-IV controlled substances. When such information is
2 identified, the program administrator shall notify the practitioner who prescribed the prescription.

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

8 126-A:94 Unlawful Act and Penalties.

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

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

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

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

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

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

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

33 126-A:95 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, necessary to
34 implement and maintain the program including:

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

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

1 III. The criteria for reviewing the prescribing and dispensing information collected by the
2 program.

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

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

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

8 126-A:96 Advisory Council Established.

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

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

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

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

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

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

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

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

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

22 (i) A community pharmacist appointed jointly by the New Hampshire Pharmacists
23 Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire
24 Association of Chain Drug Stores.

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

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

28 (l) A nurse practitioner appointed by the New Hampshire Nurse Practitioner
29 Association.

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

31 (n) The attorney general, or designee.

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

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

34 (q) Two members of the house of representatives, appointed by the speaker of the house
35 of representatives.

36 II. The council shall:

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

3 (1) Rules.

4 (2) Legislation.

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

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

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

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

12 (2) Changes to statutory requirements.

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

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

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

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

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

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

28 126-A:97 Competency Requirements. Except for veterinarians who shall complete continuing
29 education requirements in accordance with RSA 332-B:7-a, XV, all prescribers required to register
30 with the program who possess a United States Drug Enforcement Administration (DEA) license
31 number shall complete 3 contact hours of free appropriate prescriber's regulatory board-approved
32 online continuing education or pass an online examination, in the area of pain management and
33 addiction disorder or a combination, as a condition for initial licensure and license renewal.
34 Verification of successful completion of the examination or of the required continuing education shall
35 be submitted to the prescriber's regulatory board with the licensee's application for initial licensure
36 or renewal. A list of the prescriber's regulatory boards' approved continuing education courses and

1 online examinations in pain management and addiction disorder, shall be available on the
2 department of health and human service's Internet website.

3 39 Repeal. OPLC; Controlled Drug Prescription Health and Safety Program. RSA 318-B:31-
4 38, relative to the controlled drug prescription health and safety program, are repealed.

5 40 Reference Corrected. Veterinary Board. Amend RSA 332-B:3, I (b) to read as follows:

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

8 41 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
9 shall be suspended for the biennium ending June 30, 2023.

10 42 Liquor Commission; Processing of Merchant Cards. For the biennium ending June 30, 2023,
11 the liquor commission, for purposes of supporting merchant card activity, may:

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

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

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

24 43 Department of Education; Acceptance of Gifts. For the biennium ending June 30, 2023, the
25 department of education may, subject to the approval of the governor and council, accept gifts,
26 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
27 other organizations or institutions for the purpose of funding appropriations for New Hampshire
28 scholars made in accounting unit 06-56-56-562010-7534.

29 44 Certain Differential Aid Calculations; Fiscal Year 2022.

30 I. For the fiscal year ending June 30, 2022, the department of education shall divide each
31 pupil in the ADMA who is eligible for a free or reduced price meal by the average daily member in
32 attendance (ADMA), defined in RSA 198:38, for each district and town for school year 2019-2020.
33 The percentage shall be applied to the ADMA for school year 2020-2021 to establish a new
34 calculation of ADMA for who is eligible for a free or reduced price meal. The greater of the ADMA of
35 pupils who are eligible for a free or reduced price meal for school year 2020-2021 and the new
36 calculation based on the previous year's percentage shall be used to calculate the differential aid
37 under RSA 198:40-a, II(b).

1 II. When determining ADMA for third grade pupils scoring below proficiency on the reading
2 component of the state assessment as required by RSA 198:40-a, II(e) for the fiscal year ending June
3 30, 2022, the commissioner of the department of education shall compare the ADMA for this
4 category of differentiated aid in school year 2018-2019 and school year 2020-2021. The greater
5 ADMA shall be used to calculate the cost of an opportunity for an adequate education under RSA
6 198:40-a, II(e) for the fiscal year ending June 30, 2022.

7 45 Conditional Differential Aid Calculation For Pupils Eligible for a Free or Reduced Price Meal;
8 Fiscal Year 2023.

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

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

24 46 Education Trust Fund Created and Invested. Amend RSA 198:39, I to read as follows:

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

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

37 (b) Funds certified to the state treasurer by the commissioner of revenue administration

1 pursuant to RSA 77-E:14, relative to business enterprise tax.

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

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

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

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

10 (g) [Repealed.]

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

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

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

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

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

21 47 Transfer; Education Trust Fund. The comptroller shall transfer the following amounts from
22 the education trust fund to the public school infrastructure fund established in RSA 198:15-y:
23 \$1,000,000 on July 1, 2021 and \$1,000,000 on July 1, 2022.

24 48 Public School Infrastructure Fund. Amend RSA 198:15-y to read as follows:
25 198:15-y Public School Infrastructure Fund.

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

30 II. There is hereby established in the office of the state treasurer the public school
31 infrastructure fund which shall be kept distinct and separate from all other funds and which shall be
32 administered by the department of education. After transferring sufficient funds to the revenue
33 stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer
34 shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the
35 official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys
36 shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated.
37 The department of education may retain up to 3 percent of the total annual appropriation of the

1 public school infrastructure fund on or after July 1, 2019, to be used to administer the public school
2 infrastructure program. ~~[Any unexpended or unencumbered balance as of June 30, 2021 shall be
3 transferred to the general fund.]~~

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

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

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

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

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

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

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

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

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

30 49 Repeal. 2017, 156:72, relative to the prospective repeal of the public school infrastructure
31 fund and commission, is repealed.

32 50 Department of Agriculture, Markets, and Food; Integrated Pest Management Program.
33 Amend RSA 430:50, II to read as follows:

34 II. There is established a nonlapsing fund to be known as the integrated pest management
35 fund. Twenty-five percent of the pesticide registration fees collected under RSA 430:38, III shall be
36 deposited in the fund. The fund shall only be used to support the purposes of the integrated pest
37 management program ***and the division of pesticide control.*** The state treasurer may invest

1 moneys in the fund as provided by law and all interest received on such investment shall be credited
2 to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any
3 public or private sources for deposit in the fund.

4 51 Department of Business and Economic Affairs; New Hampshire Economic Development
5 Fund. Amend RSA 12-O:21 to read as follows:

6 12-O:21 New Hampshire Economic Development Fund.

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

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

14 (a) Business financing and expansion initiatives.

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

16 (c) International trade.

17 (d) Research and development activities.

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

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

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

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

26 (c) Innovation Research Center.

27 (d) Small Business Development Center.

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

33 52 New Section; Department of Business and Economic Affairs; Director of Intergovernmental
34 Affairs. Amend RSA 12-O by inserting after section 5 the following new section:

35 12-O:5-a Director of Intergovernmental Affairs.

36 I. There is established in the office of the commissioner the unclassified position of director
37 of intergovernmental affairs. The director shall be qualified to hold that position by reason of

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1 education and experience and shall perform such duties as the commissioner from time to time may
2 authorize.

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

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

9 IV. Upon completion of the appointment of the first director of intergovernmental affairs,
10 position number 40049 shall be abolished to allow for the transition of this classified position with
11 its available appropriations into the unclassified position of director of intergovernmental affairs.
12 Funding shall be transferred into a new expenditure class number 11 within accounting unit 03-22-
13 22-220010-2007.

14 53 Effective Date. Section 52 of this act shall take effect January 1, 2023.

15 54 Repeal. RSA 12-O:11-a, relative to the bureau of film and digital media, is repealed.

16 55 Reference Deleted. Department of Business and Economic Affairs. Amend RSA 12-O:2, I
17 to read as follows:

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

26 56 Distribution of Meals and Rooms Tax; Division of Travel and Tourism Development. The
27 provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of
28 travel and tourism development, are hereby suspended for the biennium ending June 30, 2023.

29 57 Department of Corrections; Transfer Authority. The following classes within the department
30 of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c, classes 10-
31 personal services-perm classified, 11-personal services unclassified, 12-personal services-
32 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed and 60-benefits. The
33 department is authorized to transfer funding in these classes within and amongst all accounting
34 units provided that any transfer of \$100,000 or more shall require prior approval of the fiscal
35 committee of the general court and governor and council. The provisions in this paragraph shall
36 remain in effect for the biennium ending June 30, 2023.

1 58 New Section; Department of Corrections; Officials; Status in Retirement System. Amend
2 RSA 21-H by inserting after section 8-a the following new section:

3 21-H:8-b Status in Retirement System.

4 I. For purposes of classification under RSA 100-A, any person who is or become the assistant
5 commissioner, the director or deputy director of professional standards, or the director or deputy
6 director of community corrections, such person shall be included in the definition of correctional line
7 personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group
8 II member for at least 15 years prior to appointment in his or her position and shall remain in group
9 II status for the duration of service in that position with the department.

10 II. For purposes of classification under RSA 100-A, any person who is or becomes the
11 director of security and training, the director or deputy director of field services, or the director or
12 deputy director of medical and psychiatric services, such person shall be included in the definition of
13 correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such
14 person was a group II member for at least 10 years prior to appointment in his or her position and
15 shall remain in group II status for the duration of service in that position with the department.

16 59 Equipment Purchases. Amend RSA 622:28-a,V to read as follows:

17 V. All purchases of materials, supplies, and equipment into the inventory account shall be
18 made in accordance with the provisions of RSA 21-I:11 and any equipment purchase in excess of
19 [~~\$5,000~~] ***the approval threshold for contracts set by the governor and council manual of***
20 ***procedures***, and made under the provisions of this section, shall require the prior approval of both
21 the fiscal committee of the general court and the governor and council.

22 60 Department of Environmental Services; Appropriation Extended. Amend 2020, 346:304, I to
23 read as follows:

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

30 61 Effective Date. Section 60 shall take effect June 30, 2021.

31 62 State Aid Grants; Department of Environmental Services.

32 I. Notwithstanding RSA 486, for the biennium ending June 30, 2023 and unless the
33 provisions of paragraph II are met, no state aid grants shall be made for any new infrastructure
34 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
35 RSA 149-M. In addition, notwithstanding RSA 486 and RSA 486-A, state payments for existing
36 infrastructure project grants shall be suspended for the biennium ending June 30, 2023. Nothing in

1 this section shall affect the provision of the future water supply land protection grants under RSA
2 486-A if funding is available for such purposes.

3 II. If on December 31, 2021 state general fund unrestricted revenues as reported by the
4 department of administrative services are above the revenue plan, the commissioner of the
5 department of environmental services may, with the approval of the legislative fiscal committee and
6 the governor and executive council request additional general funds to make grant payments for
7 existing infrastructure projects. The commissioner may make additional requests every 6 months
8 during the biennium ending June 30, 2023. Additional appropriations made under this section shall
9 not exceed 50 percent of the year-to-date amount of revenue above the revenue plan.

10 63 Office of Professional Licensure and Certification; Renaming and Reorganizing of Divisions.
11 Amend RSA 310-A:1-a to read as follows:

12 310-A:1-a Office of Professional Licensure and Certification; Division of [~~Technical Professions~~]
13 **Licensing and Board Administration** and Division of [~~Health Professions~~] **Enforcement**
14 Established. There shall be an office of professional licensure and certification that shall consist of
15 the division of [~~technical professions~~] **licensing and board administration** and the division of
16 [~~health professions~~] **enforcement**.

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

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

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

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

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

36 64 Temporary Licensing Process; Reference Change. Amend RSA 310-A:1-f, I to read as follows:

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

7 65 Telemedicine; Reference Change. Amend RSA 310-A:1-g, IV to read as follows:

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

13 66 Office of Professional Licensure and Certification; Division Directors; Unclassified Positions
14 Established. Amend RSA 310-A:1-c to read as follows:

15 310-A:1-c Division Directors; **Pharmacy Compliance Investigators**.

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

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

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

31 67 Office of Professional Licensure and Certification; Classified Positions Abolished; Funding
32 Transferred to Unclassified Positions.

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

1 abolished classified positions shall be offered the opportunity to seek the executive director's
2 nomination for the unclassified positions:

3 (a) Pharmacy Board Compliance Investigator, 22008.

4 (b) Pharmacy Board Compliance Investigator, 14337.

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

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

9 68 Office of Professional Licensure and Certification; Fees. Amend RSA 310-A:1-e, I to read as
10 follows:

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

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

21 69 Mechanical Licensing Board; Transfer to Office of Professional Licensure and Certification.
22 Amend the introductory paragraph of RSA 153:27-a to read as follows:

23 153:27-a Mechanical Licensing Board. There is hereby established as a unit within the ~~[division~~
24 ~~of fire safety a mechanical licensing board]~~ ***office of professional licensure and certification.***
25 The term of office for the members appointed to the board shall be 3 years and until a successor is
26 appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall
27 be filled in the same manner and for the unexpired terms. No member of the board shall be
28 appointed to more than 2 consecutive terms. A member of the board shall serve as the board
29 secretary.

30 70 Appropriation; Internet Crimes Against Children Fund. The sum of \$250,000 for the fiscal
31 year ending June 30, 2022, and the sum of \$250,000 for the fiscal year ending June 30, 2023, are
32 hereby appropriated to the New Hampshire Internet crimes against children fund established in
33 RSA 21-M:17. The governor is authorized to draw a warrant for said sums out of any money in the
34 treasury not otherwise appropriated.

35 71 FRM Victims' Contribution Recovery Fund; Transfer of Funds. Amend RSA 359-P:2, I and II
36 to read as follows:

1 I. There is hereby established the FRM victims' contribution recovery fund. The fund shall
2 be nonlapsing and continually appropriated to the director. ~~[The fund shall be capped at~~
3 ~~\$10,000,000 and shall consist of gifts and contributions of any kind.]~~ ***For the fiscal year ending***
4 ***June 30, 2022, \$1,000,000 shall be transferred to the fund from the bureau of securities***
5 ***regulation investors education fund established in RSA 421-B:6-601(h) and \$4,000,000 shall***
6 ***be transferred to the fund from the department of justice consumer protection escrow***
7 ***account established in RSA 7:6-f. For the fiscal year ending June 30, 2023, \$1,000,000 shall***
8 ***be transferred to the fund from the bureau of securities regulation investors education***
9 ***fund established in RSA 421-B:6-601(h) and \$4,000,000 shall be transferred to the fund from***
10 ***the department of justice consumer protection escrow account established in RSA 7:6-f. In***
11 ***the event funds are not available in any of the aforementioned fiscal years to achieve a***
12 ***balance of \$10,000,000 for the fiscal year ending June 30, 2023, transfers to the fund shall***
13 ***continue on an annual basis from those sources in the same annual amounts or as***
14 ***available, until the \$10,000,000 fund balance is achieved.***

15 II. The fund shall be used for awarding recovery assistance pursuant to this chapter ***and to***
16 ***fund the position established in RSA 359-P:4.***

17 72 Attorney/Administrator. Amend RSA 359-P:4 to read as follows:

18 359-P:4 Attorney/Administrator. The director shall ~~[hire/appoint a private]~~ ***hire an*** attorney or
19 administrator who shall ~~[collect gifts and contributions,]~~ review applications for assistance
20 submitted pursuant to this chapter, make awards of assistance in accordance with the procedures of
21 this chapter, and report annually to the director commencing on February 1, ~~[2017]~~ ***2022*** and each
22 February 1 thereafter. The director shall negotiate the attorney's or administrator's ~~[compensation~~
23 ~~which in any calendar year shall be no more than 10 percent of any private sector contributions~~
24 ~~received in that calendar year]~~ ***salary and benefit level in accordance with similar levels***
25 ***within the department.***

26 73 Disposition of Consumer Protection Settlement Funds. Amend RSA 7:6-f to read as follows:

27 7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney
28 general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim,
29 suit, petition, or other action under RSA 358-A or related consumer protection statutes shall be
30 deposited in a consumer protection escrow account. The consumer protection escrow account shall at
31 no time exceed \$5 million, with any amount in excess of \$5 million deposited into the general fund,
32 except as otherwise provided in RSA 126-A:83 ***and RSA 359-P:2.*** The attorney general shall not
33 include language in any consumer protection settlement that restricts any payments to the state for
34 attorneys' fees, investigation and litigation costs, consumer education, or consumer protection
35 enforcement to the consumer protection escrow account or any other account or fund.

36 74 Bureau of Securities Regulation Investors Education Fund. Amend RSA 421-B:6-601(h) to
37 read as follows:

1 (h) Investor education fund. All moneys collected as an administrative penalty under
2 this chapter and all moneys collected pursuant to RSA 421-B:6-614(a)(4), and (5), shall be credited to
3 an investor education fund to be maintained by the state treasurer. Funds in excess of \$725,000 at
4 the end of each fiscal year shall be credited to the general fund, ***except as otherwise provided in***
5 ***RSA 359-P:2***. The secretary of state, after deducting administrative costs, shall use moneys
6 credited to that fund to provide information to residents of this state about investments in securities,
7 to help investors and potential investors evaluate their investment decisions, protect themselves
8 from unfair, inequitable, or fraudulent offerings, choose their broker-dealers, agents, or investment
9 advisers more carefully, be alert for false or misleading advertising or other harmful practices, and
10 know their rights as investors. The state treasurer shall pay the expenses of investor education out
11 of the investor education fund consisting of the funds. The investor education fund shall be
12 nonlapsing and continually appropriated for the purpose of paying the expenses of investor
13 education, except that the fund shall at no time exceed \$725,000, ***and except as otherwise***
14 ***provided in RSA 359-P:2***.

15 75 Repeal of the Prospective Repeal of FRM Fund. 2016, 293:6, relative to the July 1, 2023
16 repeal of the FRM victims' contribution recovery fund in RSA 359-P:2, is repealed.

17 76 Powers of the Governor; State of Emergency Declaration. Amend RSA 4:45, II(a) to read as
18 follows:

19 II.(a) A state of emergency shall terminate automatically 21 days after its declaration unless
20 it is renewed under the same procedures set forth in paragraph I of this section. The governor may,
21 by executive order, renew a declaration of a state of emergency ***only once, unless the clerk of***
22 ***either chamber of the legislature, or the assistant clerk pursuant to RSA 14:4, has certified***
23 ***within the past 7 days that, to the best of their knowledge, at least half of the membership***
24 ***of the chamber is incapacitated or missing in which case the governor may renew a***
25 ***declaration of a state of emergency*** as many times as the governor finds is necessary to protect
26 the safety and welfare of the inhabitants of this state. ***The general court may, by concurrent***
27 ***resolution, renew a declaration of a state of emergency as many times as it finds is***
28 ***necessary to protect the safety and welfare of the inhabitants of this state.***

29 77 New Subparagraph; Powers of the Governor; State of Emergency Declaration. Amend RSA
30 4:45, II by inserting after subparagraph (c) the following new subparagraph:

31 (d) If it is in the best interest of the state to continue a state of emergency declaration for
32 financial reasons such as federal funding eligibility, the legislature may vote to create a nominal
33 state of emergency, but such a nominal state of emergency shall not extend any emergency powers to
34 any official. A nominal state of emergency may be renewed by a majority vote of both chambers of
35 the legislature.

36 78 Revenue Stabilization Account; Cap. Amend RSA 9:13-e, V to read as follows:

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

6 79 Appropriation; Department of Health and Human Services. The sums of \$12,401,552 in
7 fiscal year 2022 and \$13,031,765 in fiscal year 2023 are hereby appropriated to the department of
8 health and human services for the purpose of funding one-time maintenance of the legacy Medicaid
9 management information system as the department transitions to new modular information
10 technology systems. The department may accept and expend matching federal funds without prior
11 approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of
12 any money in the treasury not otherwise appropriated.

13 80 Rate. Amend RSA 77:1 to read as follows:

14 77:1 Rate.

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

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

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

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

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

25 81 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 14-B:8, III(q) to read as
26 follows:

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

29 82 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 15-A:5, I(d)(17) to read
30 as follows:

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

33 83 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:31 to read as
34 follows:

35 21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an
36 extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount
37 of the tax due or \$10, whichever is greater, for each month or part of a month during which the

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1 return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of
2 the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any
3 case in which a return is filed within the extended filing period as provided in [~~RSA 77:18-b,~~
4 RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5, RSA 84-A:7, or RSA 84-C:7, or the failure to file
5 was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is
6 determined by applying the percentages specified to the net amount of any tax due after crediting
7 any timely payments made through estimating or other means.

8 84 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:33-a, I to read as
9 follows:

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

14 85 Reference to Interest and Dividends Tax Deleted; 2027. Amend RSA 21-J:46, III to read as
15 follows:

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

18 86 References to Interest and Dividends Tax Deleted; 2027. Amend RSA 71-C:4, I and II to
19 read as follows:

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

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

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

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

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

32 (2) Credit carryovers from overpaid taxes.

33 87 Education Tax Credit Scholarship Organizations; 2027. Amend RSA 77-G:3 to read as
34 follows:

35 77-G:3 Contributions to Scholarship Organizations. For each contribution made to a
36 scholarship organization, a business organization, business enterprise, or individual may claim a
37 credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA

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1 77-A, against the business enterprise tax due pursuant to RSA 77-E, [~~against the tax on interest and~~
2 ~~dividends under RSA 77,~~] or apportioned against each provided the total credit granted shall not
3 exceed the maximum education tax credit allowed. Credits provided under this chapter shall not be
4 deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration
5 shall not grant the credit without a scholarship receipt. No business organization, business
6 enterprise, or individual shall direct, assign, or restrict any contribution to a scholarship
7 organization for the use of a particular student or nonpublic school. No business organization,
8 business enterprise, or individual shall receive more than 10 percent of the aggregate amount of tax
9 credits permitted in RSA 77-G:4.

10 88 Education Tax Credit Scholarship Organizations; 2027. Amend RSA 77-G:5, I, (i)(2) to read
11 as follows:

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

23 89 Issuance of Electric Rate Reduction Bonds; 2027. Amend RSA 369-B:5, VI to read as follows:

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

34 90 Repeals; Interest and Dividends Taxation; 2027. The following are repealed:

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

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

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

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

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

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

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

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

11 91 Returns for Interest and Dividends Taxes; 2027. All persons who are liable for a tax under
12 RSA 77 as of December 31, 2026, who thereafter are no longer liable for a tax under RSA 77 because
13 of the passage of this act shall make a return of such taxes due the commissioner of revenue
14 administration in such manner and on such forms as the commissioner shall prescribe in rules
15 adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit
16 the audit and collection of taxes upon income taxable under RSA 77 which is received by persons
17 subject to taxation under that chapter through December 31, 2026, and to permit the distribution of
18 that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of
19 federal income taxes on a calendar year basis are entitled to such proportion of the exemptions
20 allowed in RSA 77 as the reporting period bears to their taxable year.

21 92 Application; Repeal of RSA 77. Paragraph II of section 90 shall apply to taxable periods
22 beginning after December 31, 2026.

23 93 Effective Date.

24 I. Section 80 this act shall take effect January 1, 2022.

25 II. Sections 81-92 of this act shall take effect January 1, 2027.

26 94 Imposition of Tax. Amend RSA 78-A:6 to read as follows:

27 78-A:6 Imposition of Tax.

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

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

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

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

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

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

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

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

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

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

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

4 95 Applicability. RSA 78-A:6, as amended by section 94 of this act, shall be applicable to taxable
5 periods beginning on or after October 1, 2021.

6 96 Effective Date. Sections 94-95 of this act shall take effect upon its passage.

7 97 Business Enterprise Tax; Returns. Amend RSA 77-E:5, I to read as follows:

8 I. Every business enterprise having gross business receipts in excess of [~~\$200,000~~] **\$250,000**
9 as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is
10 greater than [~~\$100,000~~] **\$250,000** shall, on or before the fifteenth day of the third month in the case
11 of enterprises required to file a United States partnership tax return, and the fifteenth day of the
12 fourth month in the case of all other business enterprises, following expiration of its taxable period,
13 make a return to the commissioner. For tax years beginning January 1, 2015, the commissioner
14 shall biennially adjust these threshold amounts rounding to the nearest \$1,000 based on the 2-year
15 (24-month) percentage change in the Consumer Price Index for All Urban Consumers, Northeast
16 Region as published by the Bureau of Labor Statistics, United States Department of Labor using the
17 amount published for the month of June in the year prior to the start of the tax year. All returns
18 shall be signed by the business enterprise or by its authorized representative, subject to the pains
19 and penalties of perjury and the penalties provided in RSA 21-J:39.

20 98 Applicability. RSA 77-E:5, I, as amended by section 97 of this act, shall be applicable to
21 taxable periods ending on or after December 31, 2022.

22 99 Effective Date. Sections 97-98 of this act shall take effect January 1, 2022.

23 100 Business Enterprise Tax; Rate Reduced. Amend RSA 77-E:2 to read as follows:
24 77-E:2 Imposition of Tax.

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

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

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

32 ~~IV. Upon completion of the audited comprehensive annual report performed pursuant to~~
33 ~~RSA 21-I:8, II(a), the commissioner of the department of revenue administration shall report the~~
34 ~~total amount of combined unrestricted general and education trust fund revenue collected for the~~
35 ~~fiscal year ending June 30, 2020, as reported in the schedule of undesignated/unassigned fund~~
36 ~~balance for the general fund and education fund, to the secretary of state with copies to the governor,~~
37 ~~speaker of the house of representatives, the senate president, the fiscal committee of the general~~

1 court, and the director of the office of legislative services. If the combined amount of general and
2 education trust fund revenue collected, not including sums appropriated to the education trust fund
3 in section 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more below the
4 official revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph II
5 and the rate in paragraph III shall not take effect. If the combined amount of general and education
6 trust fund revenue collected, not including sums appropriated to the education trust fund in section
7 386 of this act, for the fiscal year ending June 30, 2020 is 6 percent or more above the official
8 revenue estimates for said fiscal year, the tax shall be imposed at the rate in paragraph III and the
9 rate in paragraph II shall not take effect. If the combined amount of general and education trust
10 fund revenue collected, not including sums appropriated to the education trust fund in section 386 of
11 this act, for the fiscal year ending June 30, 2020 is not 6 percent or more below or above the official
12 revenue estimates for said fiscal year, the tax shall continue to be imposed at the rate in paragraph
13 I, and the rates in paragraphs II and III shall not take effect.]

14 101 Business Profits Tax; Rate Reduced; Contingency Deleted. Amend RSA 77-A:2 to read as
15 follows:

16 77-A:2 Imposition of Tax.

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

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

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

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

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~~fund revenue collected, not including sums appropriated to the education trust fund in section 386 of this act, for the fiscal year ending June 30, 2020 is not 6 percent or more below or above the official revenue estimates for said fiscal year, the tax shall continue to be imposed at the rate in paragraph I, and the rates in paragraphs II and III shall not take effect.]~~

101-a Effective Date. Sections 100 - 101 of this act shall take effect upon its passage.

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

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

103 Effective Date. Section 102 of this act shall take effect upon its passage.

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

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

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

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

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

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

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

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

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

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

10 106 New Section; Commission to Study Limiting the Business Tax Credit Carry Over. Amend
11 RSA 77-A by inserting after section 7-a the following new section:

12 77-A:7-b Commission to Study Limiting the Business Tax Credit Carry Over.

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

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

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

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

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

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

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

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

26 III. The commission's study shall include, but not be limited to, examining the credit carry
27 over for the business profits tax and business enterprise tax, the liability associated with the credit
28 carry over, and the impact of limiting the credit carry over may have on cash flow and liquidity, and
29 make recommendations on future limitations of the credit carry over.

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

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

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

4 107 Repeal. RSA 77-A:7-b, relative to the commission to study limiting the business tax credit
5 carry over, is repealed.

6 108 Effective Date.

7 I. Sections 104-106 of this act shall take effect upon its passage.

8 II. Section 107 of this act shall take effect November 1, 2021.

9 109 New Hampshire Veterans' Home; Unfunded Positions; Authorization. Notwithstanding any
10 other provision of law to the contrary, the New Hampshire veterans' home may fill unfunded
11 positions during the biennium ending June 30, 2023, provided that the total expenditure for such
12 positions shall not exceed the amount appropriated for personal services.

13 110 New Hampshire Veterans' Home; Transfer Among Accounts and Classes. Notwithstanding
14 any provision of law to the contrary, for the biennium ending June 30, 2023, the commandant of the
15 New Hampshire veterans' home is authorized to transfer funds within and among all accounting
16 units within the home and to create accounting units and expenditure classes as required and as the
17 commandant deems necessary and appropriate to address present or projected budget deficits, or to
18 respond to changes in federal law, regulations, or programs, and otherwise as necessary for the
19 efficient management of the home, including funding of unfunded positions, provided that if a
20 transfer does not include new accounting units or expenditure classes, only such transfers of
21 \$100,000 or more shall require prior approval of the fiscal committee of the general court and the
22 governor and council. The New Hampshire veterans' home shall be exempt from RSA 9:17-a, I and
23 RSA 9:17-c, subject to approval by the fiscal committee of the general court of any transfer of
24 appropriations from permanent personal services or employee benefits to any other use or purpose.

25 111 New Hampshire Veterans' Home; Per Diem Payments. During the biennium ending June
26 30, 2023, if projected revenues to the New Hampshire veterans' home from member excess income
27 and veterans administration per diem payments exceed the amount estimated, said projected
28 increases may be expended with prior approval of the governor and council. If actual revenue
29 received from members excess income and veterans administration per diem payments are less than
30 the amounts estimated, the total appropriation for the New Hampshire veterans' home shall not be
31 reduced and shall be available for expenditure as budgeted.

32 112 New Hampshire Veterans' Home; Waiver from RSA 9:17-a Limitations. During the
33 biennium ending June 30, 2023, the New Hampshire veterans' home may be exempt from the
34 limitations set forth in RSA 9:17-a, I, subject to approval by the fiscal committee of the general court
35 of any transfer of appropriations from permanent personal services to any other use or purpose.

36 113 New Hampshire Veterans' Home; Waiver from RSA 9:17-c. The New Hampshire veterans
37 home may be exempt from the limitations set forth in RSA 9:17-c, subject to approval by the fiscal

1 committee of the general court of any transfer of appropriations from employee benefits to any other
2 use or purpose.

3 114 Wildlife Damage Control; Limitations for Persons Posting Property. Amend RSA 207:22-a
4 to read as follows:

5 207:22-a Limitations for Persons Posting Property.

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

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

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

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

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

25 115 Damage by Bears. Amend RSA 207:23-a to read as follows:

26 207:23-a Damage by Bears ~~[or Mountain Lions]~~.

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

1 to and between all levels of higher education, adapting to the rapidly evolving challenges facing all of
2 higher education, and governed by a unified board of trustees, may be an efficient and effective
3 means for meeting the needs of the citizens and the state.

4 188-I:2 Purpose. The commission is established to explore, study, and assess the potential for
5 establishing a collaborative and strategic merging of the university system of New Hampshire,
6 established in RSA 187-A, and the community college system of New Hampshire, established in RSA
7 188-F. The goal of the commission shall be to determine if a unified system of public higher
8 education is, in all respects, beneficial to the citizens of New Hampshire, and if so, to recommend
9 legislation to provide for the implementation of a coordinated, comprehensive system of public
10 higher education.

11 188-I:3 Membership.

12 I. The membership of the commission shall be as follows:

13 (a) Four members appointed by the university system of New Hampshire, one of whom
14 shall be the chairperson of the board of trustees and one of whom shall be the chief executive or chief
15 administrator. The additional 2 members shall be selected by the board of trustees.

16 (b) Four members of the community college system of New Hampshire, one of whom
17 shall be the chairperson of the board of trustees and one of whom shall be the chief executive or chief
18 administrator. The additional 2 members shall be selected by the board of trustees.

19 (c) Three members appointed by the governor.

20 II Any vacancy in membership shall be filled in the same manner as the commission
21 membership originally established.

22 188-I:4 Operation of the Commission.

23 I. The commission shall elect a chairperson and vice-chairperson upon its initial formation.

24 II. Seven members of the commission shall constitute a quorum.

25 III. The commission shall meet at such times and places as it may determine. The
26 chairperson shall call special meetings upon the written request of any 3 commission members or
27 upon the chairperson's motion.

28 IV. Members shall receive no compensation for their services but shall be reimbursed for
29 expenses reasonably incurred by them in the performance of their duties. Legislative members shall
30 receive mileage at the legislative rate for attending to the duties of the commission.

31 188-I:5 Duties of the Commission.

32 I. On or before January 1, 2022, the commission shall recommend legislation, if determined
33 both prudent and necessary, that would result in the merging of the community college system and
34 the university system into a single entity called the "New Hampshire college and university system,"
35 to be effective no later than July 1, 2023. In the development of the proposed legislation, the
36 commission shall address and consider issues including, but not limited to, the following:

37 (a) Changes to the governance structure of public higher education in New Hampshire.

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- 1 (b) Changes to state laws to improve the systems' efficiency and effectiveness.
- 2 (c) Development of a reasonable time line for implementation of a merged system.
- 3 (d) Potential synergies and reduction of unnecessary duplication of programs between
4 the systems.
- 5 (e) Opportunities for sharing best practices and individual efficiencies, building cross-
6 system economies of scale and sharing of resources.
- 7 (f) College affordability.
- 8 (g) Collaborative strategies to attract and retain greater proportions of New Hampshire
9 high school graduates entering the systems.
- 10 (h) In consultation with the commissioner of the department of education, investigating
11 and pursuing opportunities for collaboration and student pathways for New Hampshire high school
12 students.
- 13 (i) Financial and social impacts of the merging of disparate collective bargaining
14 agreements.
- 15 (j) Preserving the unique character and educational missions of 2 systems in a merged
16 system.
- 17 (k) Ensuring that a merged system will not result in the elimination of physical
18 education locations in any one part of the state.
- 19 (l) Minimizing or eliminating barriers to student transfer between the systems.
- 20 (m) The contents and recommendations of the "Final Report of the Study Group for Post-
21 Secondary Education" dated March 19, 2021.
- 22 (n) Other issues the commission identifies as pertinent to its duties.

23 II. The commission shall use such funds as appropriated to hire necessary consultants as
24 deemed necessary by the commission.

25 III. The commission shall serve as the search committee to select a chancellor once
26 legislation has been submitted, should the commission recommend a single chancellor.

27 188-I:6 Reporting. The commission shall submit interim monthly reports to the public higher
28 education study committee established in RSA 187-A:28-a, the governor, and the chancellors of the
29 university system of New Hampshire and the community college system of New Hampshire, and
30 shall submit a final report by August 31, 2022. Additional copies shall be delivered, on a monthly
31 basis, to the fiscal committee of the general court, the house education committee, and the senate
32 education committee.

33 118 Appropriation. There is hereby appropriated the sum of \$1,500,000 for the biennium ending
34 June 30, 2023 to the New Hampshire higher education merger assessment commission established
35 in RSA 188-I for the purposes established in RSA 188-I. The appropriation shall be nonlapsing for
36 the biennium. The governor is authorized to draw a warrant for said sum out of any money in the
37 treasury not otherwise appropriated.

1 119 Repeal. RSA 188-I, relative to the New Hampshire higher education merger assessment
2 commission, is repealed.

3 120 Effective Date. Section 119 of this act shall take effect August 31, 2022.

4 121 Department of Information Technology; Unfunded Positions. Notwithstanding any other
5 provision of law to the contrary, the department of information technology may fill unfunded
6 positions during the biennium ending June 30, 2023, provided that the total expenditure for such
7 positions shall not exceed the amount appropriated for personnel services.

8 122 Adult Parole Board; Establishment. Amend RSA 651-A:3 to read as follows:

9 651-A:3 Adult Parole Board; Establishment; Procedures.

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

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

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

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

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

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

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

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

27 **III.** The governor shall designate one member as chairman [~~and the chairman shall~~
28 ~~designate one other member to serve as chairman in his absence~~]. **Beginning on January 1, 2022,**
29 **the salary of the chairman shall be established in RSA 94:1-a and shall not be higher than**
30 **grade GG, until the appropriate grade and step are determined in accordance the**
31 **provisions of RSA 21-I:42. The chairman shall report directly to the commissioner of the**
32 **department of corrections. The chairman shall designate one other member to serve as**
33 **temporary designee chairman in his or her absence, however, the designated chairman**
34 **shall not receive the chairman's salary or employee status while serving in the chairman's**
35 **absence.** In the case of a revocation hearing an attorney of the board shall be present at the
36 hearing. Board members shall be paid [~~\$100 a day plus mileage at the state employee rate while~~
37 ~~engaged in parole hearings or administrative meetings~~] **an annual stipend of \$20,000 for each**

1 *member, to be paid in equal installments on each state employee pay period date, with no*
2 *reimbursement for mileage or other expenses for any reason.*

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

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

12 123 Applicability. On the effective date of section 122 of this act, the current chairman of the
13 adult parole board shall remain chairman and designate 4 current members who fit the criteria
14 outlined in RSA 651-A:3, II(b)(1)-(4) as inserted by section 122 of this act, to remain members of the
15 parole board according to their current terms. In the event that there are not 4 members on the
16 existing board who meet the criteria outlined in RSA 651-A:3, II(b)(1)-(4), the chairman may
17 designate an existing member to temporarily occupy any open member vacancy until a new
18 appointment for the vacancy is nominated by the governor and confirmed by the executive council.
19 Any current members who remain on the board, including the current chairman, shall serve until
20 the expiration of their current terms or until a successor is appointed and qualified.

21 124 Workers' Compensation; Administration Fund. Amend RSA 281-A:59, III to read as follows:

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

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1 125 Workers' Compensation; Special Fund for Second Injuries. Amend RSA 281-A:55, III to
2 read as follows:

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

10 126 Workers' Compensation; Appeals Board. Amend RSA 281-A:42-a, III to read as follows:

11 III. Attorney members of the board shall receive \$400 per diem and all other members of the
12 board shall each receive \$250 per diem for each day devoted to ~~[the work]~~ hearings of the board and
13 shall be reimbursed for necessary travel expenses. ***Such per diems shall be prorated to an***
14 ***hourly rate for other related work performed by board members.***

15 127 Workers' Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as
16 follows:

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

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

25 128 Apprenticeship Programs in Trade and Industry. Amend RSA 278:1-278:10 to read as
26 follows:

27 278:1 Purposes. The purposes of this chapter are:

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

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

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

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

4 278:2 Apprenticeship Council. There is hereby created a state apprenticeship advisory council
5 (the council), composed of: the labor commissioner or designee, the commissioner of the department
6 of employment security or designee, the commissioner of the department of education or designee, a
7 member representing the community college system of New Hampshire appointed by the chancellor
8 of the community college system, and 2 members who shall be employers and 2 members who shall
9 be employees or persons who represent said employees. The commissioner of labor, or designee,
10 shall act as chairman. The 2 members who are employers and the 2 members who are employees or
11 who represent said employees shall be appointed by the governor with the advice and consent of the
12 council. The initial appointment of these 4 members shall be as follows: one member for a term of
13 one year, one member for a term of 2 years, one member for a term of 3 years, and one member for a
14 term of 4 years. Upon the expiration of each of their terms and each year thereafter, one new
15 member shall be appointed for a term of 4 years. The members of the council shall receive no
16 compensation for their services.

17 278:3 Duties. The council shall meet ~~[quarterly and]~~ as often as may be necessary, and in
18 cooperation with the OA and state departments of education and labor, ~~[establish, maintain, and~~
19 ~~review and recommend approval of]~~ **encourage** consistent standards for on-the-job training
20 programs to be coordinated with related course instruction and included in apprenticeship programs
21 and agreements established in trade or industry by employee organizations, joint employee-employer
22 committees, employers or employer groups; and may request the services of any state or federal
23 agency or department which may be of assistance in carrying out the purposes of this chapter. In
24 addition to the foregoing, the council shall:

25 I. Encourage and promote the development of apprenticeship programs and the making of
26 apprenticeship agreements;

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

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

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

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

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1 ~~VI. Keep a record of apprenticeship programs and apprentice agreements and their~~
2 ~~disposition;~~

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

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

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

12 278:3-a Personnel. For the purpose of carrying out administrative duties the council may employ
13 assistants and clerical personnel as are necessary, who work under the general supervision of the
14 labor commissioner.

15 278:4 Transfer to Department of Labor. The apprenticeship advisory council as provided in RSA
16 278:2 shall function within the department of labor as a separate organizational entity, as heretofore
17 constituted, and with all the powers and duties as heretofore provided.

18 278:5 Biennial Report. The council ~~shall~~ **may** biennially make a report of its activities and
19 progress to the governor and council and the report ~~shall~~ **may** also be contained in the biennial
20 report of the department of labor.

21 278:6 Related and Supplemental Instruction. Related and supplemental instruction for
22 apprentices, coordination of instruction with work experiences, and the selection of teachers and
23 coordinators for such instruction shall be the responsibility of state and local boards of education.
24 The state department of education shall be responsible and make provision subject to the
25 department's decision on the allotment of its funds for related and supplementary instruction for
26 apprentices as may be employed under apprenticeship programs registered and approved by the OA
27 ~~[and the council]~~.

28 278:7 Local, Regional and State Joint Apprenticeship Committees. Local and state joint
29 apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the
30 state or trade areas, by the OA ~~[and the council]~~, whenever the apprentice training needs of such
31 trade or group of trades or such regions justify such establishment. Such local, regional or state joint
32 apprenticeship committees shall be composed of an equal number of employer and employee
33 representatives selected by the respective local or state employer and employee organizations in such
34 trade or group of trades; also such advisory members representing local boards or other agencies as
35 may be deemed advisable. In a trade or group of trades in which there is no bona fide employer or
36 employee organization, a joint committee may be composed of persons known to represent the
37 interests of employers and of employees respectively, or a state joint apprenticeship committee may

1 be approved as, or the council may act itself as, the joint committee in such trade or group of trades.
2 Subject to the review of the OA [~~and the council~~], and in accordance with the standards established
3 by the Office of Apprenticeship [~~and the council~~], such committees may devise standards for
4 apprenticeship agreements and give such aid as may be necessary in their operation, in their
5 respective trades and localities.

6 ~~[278:8 Minimum Standards for Apprenticeship Agreements. All apprenticeship agreements~~
7 ~~submitted for approval and registration shall meet the following minimum standards:~~

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

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

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

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

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

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

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

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

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

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

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

4 ~~278:9 Apprenticeship Agreements Defined. For the purposes of this chapter an~~
5 ~~apprenticeship agreement is an individual written agreement between an employer and an~~
6 ~~apprentice, or a written agreement between an apprentice and an association of employers, or an~~
7 ~~organization of employees, or where an approved joint committee exists, a written agreement~~
8 ~~between an apprentice and such committee.~~

9 ~~278:10] 278:8~~ Applicability of Chapter. The provisions of this chapter shall apply to a person,
10 firm, corporation or organization of employees or an association of employers only after such person,
11 firm, corporation or organization of employees or association of employers has voluntarily elected to
12 conform with its provisions.

13 129 Unemployment Compensation; Contributions; Minimum Rate. Amend RSA 282-A:82, II-III
14 to read as follows:

15 II. There shall be subtracted in any calendar quarter from every employer's contribution
16 rate one percent whenever the unemployment compensation fund equals or exceeds [~~\$275,000,000~~]
17 **\$350,000,000** throughout the next preceding calendar quarter.

18 III. There shall be subtracted in any calendar quarter from every employer's contribution
19 rate 1.5 percent whenever the unemployment compensation fund equals or exceeds [~~\$300,000,000~~]
20 **\$400,000,000** throughout the next preceding calendar quarter.

21 130 Unemployment Compensation; Contributions; Inverse Minimum Rate. Amend RSA 282-
22 A:82-a, II-III to read as follows:

23 II. There shall be added in any calendar quarter to every such employer's contribution rate
24 one percent whenever the unemployment compensation fund fails to equal or exceed [~~\$275,000,000~~]
25 **\$350,000,000** throughout the next preceding calendar quarter.

26 III. There shall be added in any calendar quarter to every such employer's contribution rate
27 .5 percent whenever the unemployment compensation fund fails to equal or exceed [~~\$300,000,000~~]
28 **\$400,000,000** throughout the next preceding calendar quarter.

29 131 Repeal. The following are repealed:

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

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

34 132 Liability for Obstruction or Injury to Highway; Civil Liability. Amend RSA 236:39 to read
35 as follows:

36 236:39 Civil Liability.

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

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

14 133 Repeal. 1959; 286, relative to the Sandwich Notch and Dale Road in the towns of Sandwich
15 and Thornton, is repealed.

16 134 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate.
17 Amend the section heading for RSA 4:39-c to read as follows:

18 4:39-c Disposal of Highway, **Federal**, or Turnpike Funded Real Estate.

19 135 Department of Transportation; Disposal of Highway or Turnpike Funded Real Estate.
20 Amend RSA 4:39-c, III to read as follows:

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

28 136 New Paragraphs; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
29 inserting after paragraph XXVII the following new paragraphs:

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

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

34 137 New Paragraph; New Hampshire Aeronautics Act; Definitions. Amend RSA 422:3 by
35 inserting after paragraph XXIX the following new paragraph:

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

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1 138 New Hampshire Aeronautics Act; Duties of the Commissioner. Amend RSA 422:4, VI to
2 read as follows:

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

10 139 Department of Transportation; Appropriation Amended. Amend 2018;162:25, I to read as
11 follows:

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

17 140 Effective Date. Section 139 of this act shall take effect on June 30, 2021.

18 141 Department of Natural and Cultural Resources; Parks Projects; Appropriations. There is
19 hereby appropriated to the department of natural and cultural resources, for the biennium ending
20 June 30, 2023, the following sums which shall be nonlapsing and expended for the following
21 purposes. The governor is authorized to draw a warrant for said sums out of any money in the
22 treasury not otherwise appropriated.

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

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

31 142 Department of Safety; Fund Transfer; Unfunded Positions; Authorization.

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

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

4 143 New Section; Body-Worn Cameras. Amend RSA 105-D by inserting after section 2 the
5 following new section:

6 105-D:3 Body-Worn and Dashboard Camera Fund.

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

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

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

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

19 IV. The fund shall be overseen by the commissioner of the department of safety and the
20 attorney general who shall, within 180 days of the effective date of this section, jointly establish a
21 process for the application for matching grants from the fund. Such process shall be established in
22 rules adopted jointly by the commissioner of safety and attorney general in accordance with RSA
23 541-A.

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

26 144 Body-Worn and Dashboard Camera Fund; Appropriation. The sum of \$1,000,000 for the
27 fiscal year ending June 30, 2022 is hereby appropriated to the body-worn and dashboard camera
28 fund established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of
29 any money in the treasury not otherwise appropriated.

30 145 Department of Safety; Position Created. There is hereby established in the department of
31 safety, division of administration, the full-time classified position of business administrator I. The
32 commissioner of the department of safety may use the body-worn and dashboard camera fund
33 established in RSA 105-D:3 to fund the position.

34 146 New Section; Complaints Alleging Law Enforcement Misconduct; Commission Established.
35 Amend RSA 105-D by inserting after section 2 the following new section:

36 105-D:2-a Statewide Entity to Receive Complaints Alleging Misconduct Regarding Sworn and
37 Elected Law Enforcement Officers; Commission Established.

1 I. There is hereby established a commission to develop recommendations for legislation to
2 establish a single, neutral, and independent statewide entity to receive complaints alleging
3 misconduct regarding all sworn and elected law enforcement officers pursuant to recommendation
4 #16 in the final report issued by the New Hampshire commission on law enforcement accountability,
5 community and transparency. The commission shall be composed of the following members:

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

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

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

9 (d) The director of the New Hampshire police standards and training council, or
10 designee.

11 (e) The commissioner of safety, or designee.

12 (f) Four additional members from the New Hampshire commission on law enforcement
13 accountability, community and transparency established in Executive Order 2020-11. Two of these
14 members shall be law enforcement members and 2 of these members shall not be law enforcement
15 members.

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

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

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

23 147 Appropriation; Statewide Entity to Receive Complaints of Misconduct. The sum of \$100,000
24 for the fiscal year ending June 30, 2023 is hereby appropriated the department of administrative
25 services which shall be available to fund an independent statewide entity to receive complaints
26 alleging misconduct regarding all sworn and elected law enforcement officers established pursuant
27 to recommendation #16 in the final report issued by the New Hampshire commission on law
28 enforcement accountability, community and transparency. Any unexpended amount of said
29 appropriation shall lapse to the general fund on June 30, 2023. The governor is hereby authorized to
30 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

31 148 Contingency. If an independent statewide entity to receive complaints alleging misconduct
32 regarding all sworn and elected law enforcement officers as a result of recommendation #16 in the
33 final report issued by the New Hampshire commission on law enforcement accountability,
34 community, and transparency becomes law by July 1, 2022, then section 147 of this act shall take
35 effect July 1, 2022. If such an entity does not become law by July 1, 2022, then section 147 of this
36 act shall not take effect.

37 149 Effective Date. Section 147 of this act shall take effect as provided in section 148 of this act.

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1 150 Department of Safety; Radio Infrastructure Equipment Purchases; Procurement.

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

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

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

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

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

20 151 New Paragraph; Office of the Chief Medical Examiner; Definitions. Amend RSA 611-B:1 by
21 inserting after paragraph II the following new paragraph:

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

24 152 New Section; Office of the Chief Medical Examiner; Associate Medical Examiner. Amend
25 RSA 611-B by inserting after section 3 the following new section:

26 611-B:3-a Associate Medical Examiner. There is hereby established within the office of the chief
27 medical examiner the position of associate medical examiner. The associate medical examiner shall
28 be appointed in the same manner as the chief medical examiner as provided in RSA 611-B:2, and
29 shall be a licensed physician, certified by the American Board of Pathology as a qualified pathologist,
30 with training and experience in forensic medicine. The associate medical examiner shall serve under
31 the professional direction and supervision of the chief medical examiner and deputy chief medical
32 examiner and shall act as the chief medical examiner whenever the chief medical examiner and
33 deputy chief medical examiner are absent, or unable to act for any cause.

34 153 Office of the Chief Medical Examiner; Acting Chief Medical Examiner. Amend RSA 611-B:4
35 to read as follows:

36 611-B:4 Acting Chief Medical Examiner. The chief medical examiner may designate in writing
37 an acting chief medical examiner who shall be a licensed physician, certified by the American Board

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1 of Pathology as a qualified pathologist with training and experience in forensic medicine. The acting
2 chief medical examiner shall act as the chief medical examiner whenever the chief medical
3 examiner, ~~and the~~ deputy chief medical examiner, **and the associate medical examiner** are
4 absent, or unable to act ~~from~~ **for** any cause.

5 154 Department of Justice; Director of Diversity and Community Outreach; Position
6 Established. There is established within the department of justice an unclassified position of
7 director of diversity and community outreach. The director of diversity and community outreach
8 shall be qualified to hold the position by reason of education and experience, and shall be appointed
9 to serve for a term of 5 years. The position shall assist the attorney general and deputy attorney
10 general to establish goals and milestones towards creating a more diverse, inclusive, and culturally
11 aware law enforcement community through efforts that increase equity and cultural awareness
12 among state, county, local prosecution, law enforcement and diverse communities to foster positive
13 relationships, understanding and respect. The salary of the director of diversity and community
14 outreach shall be determined after assessment and review of the appropriate letter grade allocation
15 in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.
16 Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-200010-
17 2601.

18 155 New Paragraph; Department of Justice; Attorney General Position Established. Amend
19 RSA 21-M:3 by inserting after paragraph XII the following new paragraph:

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

25 156 Effective Date. Sections 154-155 of this act shall take effect January 1, 2023.

26 157 Judicial Council; Expenditures for Termination of Parental Rights Services. In the event
27 that expenditures for termination of parental rights services are greater than amounts appropriated
28 in the operating budget, the judicial council may request, with prior approval of the fiscal committee
29 of the general court, that the governor and council authorize additional funding. For funds
30 requested and approved, the governor is authorized to draw a warrant from any money in the
31 treasury not otherwise appropriated.

32 158 College Tuition Savings Plan; Advisory Commission. Amend the introductory paragraph in
33 RSA 195-H:2, I(a) to read as follows:

34 I.(a) There is established the New Hampshire college tuition savings plan advisory
35 commission which shall ensure the proper administration and management of the savings plan. The
36 advisory commission shall ensure that the savings plan complies with the requirements of section
37 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the

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1 savings plan. The commission shall also be responsible for ensuring the proper administration,
2 implementation, and management of the New Hampshire excellence in higher education endowment
3 trust fund established in RSA 6:38, and the governor's scholarship program and fund established in
4 ~~[RSA 4 C:31-34]~~ ***RSA 195-H:11-14. The commission, by a majority vote, may transfer funds***
5 ***between the New Hampshire excellence in higher education endowment trust fund and the***
6 ***governor's scholarship fund.*** The commission shall consist of the following members:

7 159 New Subdivision; Governor's Scholarship Program and Fund. Amend RSA 195-H by
8 inserting after section 10 the following new subdivision:

9 Governor's Scholarship Program and Fund

10 195-H:11 Definitions. In this subdivision:

11 I. "Eligible institution" means a postsecondary educational institution or training program
12 within the university system of New Hampshire as defined in RSA 187-A, a postsecondary
13 educational institution within the community college system of New Hampshire as defined in RSA
14 188-F, or a private postsecondary institution approved to operate in this state that:

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

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

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

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

26 195-H:12 Governor's Scholarship Program and Fund Established.

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

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

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

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

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

7 195-H:13 Eligibility.

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

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

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

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

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

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

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

34 195-H:14 Procedures.

35 I. All scholarship funds shall be distributed to the eligible student by the eligible institution.
36 The institution shall include the scholarship in the student's financial aid package and may seek
37 subsequent reimbursement. The state shall provide the reimbursements twice per year to each

1 eligible institution for the number of eligible students enrolled in the current semester or term who
2 are receiving a scholarship. The institution shall submit the list of scholarship recipients to the
3 commission or its designee no later than November 30 and April 30 of each academic year, and shall
4 be reimbursed within 30 days of submission.

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

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

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

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

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

23 160 Application of Receipts; Governor's Scholarship Program and Fund. Amend RSA 6:12,
24 I(b)(336) to read as follows:

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

27 161 Allied Health Professionals; Re-ordering of Definitions. RSA 328-F:2 is repealed and
28 reenacted to read as follows:

29 328-F:2 Definitions. In this chapter:

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

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

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

35 IV. "Governing boards" means individual licensing boards of athletic trainers, occupational
36 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical

1 therapist assistants, respiratory care practitioners, speech-language pathologists and hearing care
2 providers, and genetic counselors.

3 V. "Hearing care providers" mean audiologists and hearing aid dealers as defined in RSA
4 326-F:1.

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

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

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

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

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

12 XI. "Speech-language pathology" means "speech-language pathology" as defined in RSA
13 326-F:1.

14 162 Allied Health Professionals; Governing Boards; Hearing Care Providers. Amend RSA 328-
15 F:3, I to read as follows:

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

19 163 Allied Health Professionals; Governing Boards; Membership. Amend RSA 328-F:4, I to
20 read as follows:

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

30 164 Speech Language Pathology and Hearing Care Provider Governing Board; Membership.
31 Amend RSA 328-F:4, VIII to read as follows:

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

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1 165 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Registration.
2 Amend RSA 328-F:5 by inserting after paragraph I-a the following new paragraph:

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

6 166 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Businesses.
7 Amend RSA 328-F:5 by inserting after paragraph II the following new paragraph:

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

9 167 New Paragraph; Allied Health Professionals; Governing Boards; Rulemaking; Hearing Aid
10 Dealers. Amend RSA 328-F:11 by inserting after paragraph II the following new paragraph:

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

14 168 Allied Health Professionals; Governing Board; Fees. Amend RSA 328-F:15, I to read as
15 follows:

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

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

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

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

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

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

23 (f) Transcribing and transferring records.

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

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

29 169 Allied Health Professionals; Governing Boards; Initial Licenses, Certifications, and
30 Registrations. Amend RSA 328-F:18, IV to read as follows:

31 IV. Initial licenses, **certifications, and registrations**, including conditional licenses,
32 **certifications, and registrations** that are the first license, **certificate, or registration** issued to
33 the individual **or hearing aid dealer**, and provisional licenses, **certifications, and registrations**
34 shall be:

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

37 (b) Numbered consecutively and recorded.

1 170 Allied Health Professionals; License Provisions; Renewal. Amend RSA 328-F:19 to read as
2 follows:

3 328-F:19 Renewal.

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

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

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

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

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

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

35 171 Allied Health Professionals; License Provisions; Obligation to Report. Amend RSA 328-
36 F:25, I and II to read as follows:

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

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

14 172 Allied Health Professionals; Unauthorized Practice. Amend RSA 328-F:27, II to read as
15 follows:

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

22 173 Speech Language Pathology Practice. Amend the chapter heading of RSA 326-F to read as
23 follows:

24 CHAPTER 326-F

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

26 174 Speech-Language Pathology and Hearing Care Providers Practice; Definitions. RSA 326-
27 F:1 is repealed and reenacted to read as follows:

28 326-F:1 Definitions. In this chapter and RSA 328-F:

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

34 II. "Audiology" means the application of principles, methods, and procedures related to the
35 development and disorders of human communication, which disorders shall include any and all
36 conditions whether of organic or nonorganic origin, that impede the normal processes of human

1 communication and balance including, but not limited to, disorders of hearing, vestibular function,
2 and central auditory processing.

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

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

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

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

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

16 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and
17 preventing hearing disorders.

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

21 (c) Rendering basic and comprehensive auditory and vestibular habilitative and
22 rehabilitative services, including aural rehabilitative assessment and therapy, vestibular
23 rehabilitative assessment and therapy, and speech and language screening.

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

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

30 (f) Providing occupational hearing conservation.

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

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

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

36 (c) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
37 cognitive communication disorders.

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

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

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

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

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

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

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

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

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

30 175 New Paragraph; Speech Language Pathology and Hearing Care Providers Practice;
31 Eligibility for Initial Licensure. Amend RSA 326-F:3 by inserting after paragraph II the following
32 new paragraph:

33 III. To be eligible for initial licensure as an audiologist an applicant shall:

34 (a) Demonstrate sufficient evidence of good professional character and reliability to
35 satisfy the board that the applicant shall faithfully and conscientiously avoid professional
36 misconduct and otherwise adhere to the requirements of this chapter.

1 (b) Possess at least a master's degree in audiology from an educational institution
2 approved by the board which consists of course work approved pursuant to rules adopted by the
3 board pursuant to RSA 541-A.

4 (c) Complete a supervised postgraduate professional experience at an educational
5 institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant to
6 RSA 541-A.

7 (d) Pass an examination specified by the board in rules adopted under RSA 541-A.

8 (e) Complete a supervised postgraduate professional experience.

9 (f) If applicable, submit proof of licensure in another state in which the licensure
10 requirements are equivalent to or greater than those in this chapter.

11 176 New Paragraph; Speech Language Pathology and Hearing Care Providers Practice;
12 Rulemaking. Amend RSA 326-F:5 by inserting after paragraph VII the following new paragraph:

13 VIII. The sale and fitting of hearing aids.

14 177 Speech Language Pathology and Hearing Care Providers Practice; Eligibility for Renewal of
15 Licenses. Amend RSA 326-F:6, I to read as follows:

16 I. ***For speech-language pathologists***, have completed 30 hours of continuing education
17 which meet the requirements established by the board through rulemaking pursuant to RSA 541-A
18 and at least 50 percent of which are directly related to the practice of speech-language pathology.
19 ***For audiologists, have completed 20 hours of continuing education which meet the***
20 ***requirements established by the board through rulemaking pursuant to RSA 541-A.***

21 178 New Paragraphs; Speech-Language Pathology and Hearing Care Providers Practice;
22 Professional Identification. Amend RSA 326-F:8 by inserting after paragraph IV the following new
23 paragraphs:

24 V. No person shall practice audiology or represent oneself as an audiologist in this state,
25 unless such person is licensed in accordance with the provisions of this chapter.

26 VI. No person shall represent oneself or use the following words to represent oneself:
27 audiologist, audiology, audiometry, audiometrist, audiological, audiometrics, hearing therapy,
28 hearing therapist, hearing clinic, hearing aid audiologist, or any other variation or synonym which
29 expresses, employs, or implies these terms or functions unless the person has been duly licensed as
30 an audiologist.

31 179 New Sections; Registration of Hearing Aid Dealers; Temporary Licensure for Audiologists;
32 Audiologists From Other Jurisdictions; Disclosure to Customers; Unsolicited Home Sales Prohibited;
33 Return of Hearing Aid; Deceptive Advertising Prohibited. Amend RSA 326-F by inserting after
34 section 8 the following new sections:

35 326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business
36 of selling or offering for rent hearing aids unless such person is registered in accordance with this
37 chapter and unless the registration of such person is current and valid. The fee for an initial

1 registration under this section shall not exceed \$300. This section includes the selling or renting of
2 hearing aids by mail in this state by a person outside the state. Registration certificates shall be
3 renewed biennially on or before June 30 upon payment of a renewal fee.

4 326-F:10 Temporary Licensure for Audiologists.

5 I. A temporary license may be granted for up to 120 days to a person who has moved to this
6 state from another jurisdiction, if the person holds an audiologist's license in the other jurisdiction
7 and the other jurisdiction's requirements for licensure are greater than or equal to the requirements
8 in this state, and the person has applied for a license under this chapter.

9 II. A temporary license issued under this section shall expire no later than 120 days after
10 issuance. The date shall be stated on the license.

11 326-F:11 Audiologists From Other Jurisdictions; Licensure. The board may waive licensure
12 requirements for an applicant who:

13 I. Is licensed by another jurisdiction where the requirements for licensure are greater than
14 or equal to those required in this state; and

15 II. Is practicing audiology 20 days or less in New Hampshire in any calendar year.

16 326-F:12 Hearing Aid Dealer and/or Audiologist Disclosure to Customers.

17 I. No hearing aid dealer or audiologist shall sell a hearing aid without presenting the
18 purchaser an itemized receipt, which shall include the following:

19 (a) The name and address and signature of the purchaser.

20 (b) The date of the sale.

21 (c) The name and the regular place of business of the hearing aid dealer or dealer's
22 registration number or of the audiologist or audiologist's license number, and signature of the
23 registrant or licensee.

24 (d) The make, model, serial number, and purchase price of the hearing aid and the
25 terms of the warranty.

26 (e) An itemization of the total purchase price, including but not limited to the cost of the
27 aid, ear mold, and batteries and other accessories and any other services.

28 (f) A statement as to whether the hearing aid is "new," "used" or "reconditioned."

29 (g) The complete terms of the sale, including a clear and precise statement of the 30-day
30 money back guarantee required under RSA 326-F:14.

31 (h) The name, address and telephone number of the consumer protection and antitrust
32 bureau, division of public protection, department of justice, with a statement that complaints which
33 arise with respect to the transaction may be submitted in writing to the consumer protection and
34 antitrust bureau.

35 (i) The following statements in 10 point type or larger: 1) "This hearing aid will not
36 restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel this
37 purchase or rental for any reason within 30 days after receiving the hearing aid."

1 II. Each registrant or licensee shall keep records of every customer to whom such person
2 renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I,
3 a record of services provided, any correspondence to or from a customer and any records required
4 under the rules for the hearing aid industry as promulgated by the United States Federal Trade
5 Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated
6 by the United States Food and Drug Administration. These records shall be preserved for at least 3
7 years after the date of transaction.

8 326-F:13 Unsolicited Home Sales Prohibited. No hearing aid dealer or audiologist, employee or
9 agent thereof, shall canvass either in person or by telephone from house to house for the purpose of
10 selling or renting a hearing aid without prior request from the prospective customer, a relative or
11 friend of the prospective customer.

12 326-F:14 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person
13 unless accompanied by a 30-day written money back guarantee that if the person returns the
14 hearing aid in the same condition, ordinary wear and tear excluded, as when purchased, within 30
15 days from the date of delivery, the hearing aid dealer or audiologist may be entitled to a cancellation
16 fee of 5 percent of the purchase price. In computing the actual purchase price, all rebates, discounts,
17 and other similar allowances provided to the seller shall be considered. For the purpose of this
18 section, any consumer who initiates the return of a hearing aid within said 30-day period shall be in
19 compliance with this section. The addressing of any claimed deficiency or return shall be resolved
20 within 90 days from date of delivery.

21 326-F:15 Deceptive Advertising Prohibited.

22 I. No hearing aid dealer or audiologist, or employee or agent thereof, shall use or cause to be
23 used or promote the use of any advertising matter, promotional literature, testimonial, guarantee,
24 warranty, label, brand, insignia, or other representation, however disseminated or published, which
25 is misleading, deceptive, or untruthful. All advertising by mail which offers free hearing testing or
26 other services by a hearing aid dealer or audiologist shall clearly state in such advertising that the
27 offers are made by a hearing aid dealer or audiologist.

28 II. No hearing aid dealer, or employee or agent thereof, shall represent that the services or
29 advice of an individual licensed to practice medicine or of an individual certified as an audiologist
30 will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing
31 aids where that is not true; or use or incorporate in any title or designation the words, "doctor,"
32 "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state certified," "state
33 approved," "state registered," "certified hearing aid audiologist," or any term, abbreviation, or symbol
34 which would give the false impression that one is being treated medically or audiologically or that
35 the registrant's services have been recommended by the state.

36 III. No hearing aid dealer or audiologist, or employee or agent thereof, shall use any
37 advertisement or any other representation which has the effect of misleading or deceiving

1 purchasers or prospective purchasers in the belief that any hearing aid or device, or part or
2 accessory thereof, is a new invention or involves a new mechanical or scientific principle when such
3 is not a fact.

4 IV. No hearing aid dealer or audiologist, or employee or agent thereof, shall state or imply
5 that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent or
6 retard the progression of a hearing impairment or make any false or misleading or medically or
7 audiologically unsupportable claims regarding the efficacy or benefits of hearing aids.

8 V. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise a
9 particular model, type, or kind of hearing aid when the offer is not a bona fide effort to sell the
10 product so offered as advertised.

11 VI. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise that a
12 hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such
13 dealer, employee, or agent shall advertise that a hearing aid will enable persons with hearing loss to
14 consistently distinguish and understand speech sounds in noisy situations.

15 VII. No hearing aid shall be sold to any person unless the packaging containing the hearing
16 aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore
17 normal hearing nor will it prevent further hearing loss."

18 326-F:16 Out-of-State Sales Regulated.

19 I. No person shall conduct or operate a business outside of the state for the sale at retail of
20 hearing aids to individuals within the state unless such business is registered with a permit issued
21 by the board.

22 II. The board shall issue a permit to such out-of-state business if the business discloses and
23 provides proof:

24 (a) That the business is in compliance with all applicable laws and rules in the state in
25 which the business is located;

26 (b) Of the operating locations and the names and titles of all principal corporate officers;

27 (c) That the business complies with all lawful directions and requests for information
28 from the board of all states in which it conducts business; and

29 (d) That the business agrees in writing to comply with all New Hampshire laws and
30 rules relating to the sale or dispensing of hearing aids.

31 III. The board shall assess fees as established by rules adopted by the board, pursuant to
32 RSA 541-A, for out-of-state hearing aid sales companies.

33 180 General Administration of Regulatory Boards and Commissions; Reciprocity Information.
34 Amend the introductory paragraph of RSA 332-G:12, I to read as follows:

35 I. All boards or commissions~~[, including the board of hearing care providers established in~~
36 ~~RSA 137-F:3,]~~ shall post information on their website relative to reciprocal licensure or certification
37 for persons holding a current and valid license or certification for the practice of the regulated

1 profession in another state. Such information shall include a list of the states which the board or
2 commission has determined to have license or certification requirements equal to, or greater than,
3 the requirements of this state. The posting shall also list states with which the board or commission
4 has:

5 181 Repeals. The following are repealed:

6 I. RSA 137-F, relative to hearing care providers.

7 II. RSA 310-A:1-a, II(a), relative to hearing care providers.

8 182 Transition; Rules; Hearing Care Providers.

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

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

15 183 New Chapter; Department of Energy. Amend RSA by inserting after chapter 12-O the
16 following new chapter:

17 CHAPTER 12-P

18 DEPARTMENT OF ENERGY

19 12-P:1 Definitions. In this chapter:

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

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

22 III. "Department" means the department of energy

23 12-P:2 Establishment; Purpose.

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

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

31 III. In addition to its other functions, it shall be the duty of the department of energy to
32 provide all necessary administrative, technical, and staff support to the public utilities commission
33 to assist the commission in carrying out its regulatory and adjudicative functions.

34 IV. The department shall have the authority to investigate any matter that may come before
35 the public utilities commission and to appear before the commission to advocate for the department's
36 position and for the purposes of providing a complete record for consideration by the commission.

37 12-P:3 General Provisions.

1 I. Upon the recommendation of the commissioner after consultation with division directors
2 concerned, the governor and council are authorized to approve revisions in internal administrative
3 departmental organization as the governor and council find from time to time may improve or make
4 more economical the administration of the department.

5 II. The department of energy is authorized to work with the department of business and
6 economic affairs and the department of administrative services to coordinate the implementation of
7 the establishment of the department, and to transfer appropriations and create the proper
8 expenditure lines, if needed, for the establishment of their respective operations, including but not
9 limited to the relocation of personnel, work stations, books, papers, personnel record files, and
10 equipment, with the approval of the governor and council and of the director of personnel.

11 12-P:4 Commissioner; Deputy Commissioner; Directors

12 I. The commissioner of the department of energy shall be appointed by the governor, with
13 the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified
14 to hold that position by reason of education and experience. Directors of departmental divisions
15 shall be subject to the supervisory authority of the commissioner, which authority shall include
16 power to establish department and divisional policy as well as to control the actual operations of the
17 department and all divisions therein. The commissioner is authorized to establish any advisory
18 committees and programs which the commissioner may deem necessary to carry out the mission and
19 operations of the department.

20 II. The commissioner of energy shall nominate a deputy commissioner of energy for
21 appointment by the governor and council. The deputy commissioner shall hold office for 4 years and
22 until a successor has been appointed and qualified. The deputy commissioner shall be qualified to
23 hold that position by reason of education and experience. The deputy commissioner shall perform
24 such duties as the commissioner may assign. The deputy commissioner shall perform the duties of
25 the commissioner if for any reason the commissioner is unable to do so.

26 III. Division directors shall be appointed to initial terms as stated below, and then
27 subsequently to terms of 4 years. Terms notwithstanding, each division director shall serve until a
28 successor has been appointed and qualified.

29 (a) The commissioner shall nominate for appointment by the governor and council a
30 director of the division of policy and programs for an initial term of one year. All subsequent terms
31 shall be 4 years. The director of the division of policy and programs shall be qualified to hold that
32 position by reason of education and experience.

33 (b) The commissioner shall nominate for appointment by the governor and council a
34 director of the division of administration for an initial term of 2 years. All subsequent terms shall be
35 4 years. The director of the division of administration shall be qualified to hold that position by
36 reason of education and experience.

1 (c) The commissioner shall nominate for appointment by the governor and council a
2 director of the division of enforcement for an initial term of 3 years. All subsequent terms shall be 4
3 years. The director of the division of enforcement shall be qualified to hold that position by reason of
4 education and experience.

5 (d) The commissioner shall nominate for appointment by the governor and council a
6 director of the division of regulatory support for an initial term of 3 years. All subsequent terms
7 shall be 4 years. The director of the division of regulatory support shall be qualified to hold that
8 position by reason of education and experience.

9 IV. The salaries of the commissioner, the assistant commissioner, and each division director
10 shall be as specified in RSA 94:1-a.

11 12-P:5 Duties of Commissioner. In addition to the powers, duties, and functions otherwise
12 vested by law in the commissioner of the department of energy, the commissioner, except as
13 otherwise provided in this chapter, shall:

14 I. Represent the public interest in the administration of the functions of the department of
15 energy and be responsible to the governor, the general court, and the public for such administration.

16 II. Provide for, in consultation with the commissioner of the department of administrative
17 services and the state treasurer, a system of accounts and reports which will ensure the integrity
18 and lawful use of all fees, funds, and revenues collected by the department, the use of which is
19 restricted by state or federal law.

20 III. Have the authority to receive, administer, and internally audit all present and future
21 federal and state energy-related grant programs.

22 IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the
23 continuance or granting of federal funds or other assistance intended to promote the administration
24 of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the
25 specific statutes administered by the department or by any division or unit within the department,
26 whether the rulemaking authority delegated by the legislature is granted to the commissioner, the
27 department, or any administrative unit or subordinate official of the department.

28 V. Have the authority to reorganize rules of the department to conform to the requirements
29 of RSA 541-A and the uniform drafting and numbering system adopted by the division of
30 administrative rules, office of legislative services. Reference changes shall be limited to title,
31 chapter, part, and section designations and numbers and substitution of terms reflecting
32 reorganization of the department to the existing statutory structure, and shall be made subject to
33 review by the division of administrative rules, office of legislative services for consistency and
34 accuracy of such changes. Such reference changes shall be integrated into the rules and such
35 amendments to the rules shall become effective when notice of these reference changes is published
36 by the director of legislative services in the rulemaking register. Reference changes made prior to
37 July 1, 2022, shall be exempt from the procedures and requirements of RSA 541-A. Changes

1 authorized under this section shall not affect the adoption or expiration date of rules changed under
2 this section.

3 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person
4 subject to the jurisdiction of the department of energy and the public utilities commission.

5 VII. Ensure that the department provides all necessary clerical and technical support to the
6 public utilities commission, the site evaluation committee, office of the consumer advocate, and any
7 other entity that is administratively attached to the department.

8 12-P:6 Division of Administration. There is established within the department the division of
9 administration, under the supervision of an unclassified director of the division of administration.
10 The division, through its officials, shall be responsible for all functions, duties, and responsibilities
11 which may be assigned to it by the commissioner or laws enacted by the general court.

12 12-P:7 Division of Policy and Programs. There is established within the department the division
13 of policy and programs, under the supervision of an unclassified director of the division of policy and
14 programs. The division, through its officials, shall be responsible for all functions, duties, and
15 responsibilities which may be assigned to it by the commissioner or laws enacted by the general
16 court. In addition, the division shall administer fuel assistance contracts and weatherization
17 contracts. In administering fuel assistance and weatherization contracts, the division shall ensure
18 that when an individual applies for fuel assistance or weatherization, the individual shall be
19 provided with application forms and information about the Link-Up New Hampshire and Lifeline
20 Telephone Assistance programs, and shall be provided assistance in applying for these programs.

21 12-P:7-a State Energy Strategy.

22 I. The division of policy and programs, with approval of the commissioner, and with
23 assistance from an independent consultant and with input from the public and interested parties,
24 shall prepare a 10-year energy strategy for the state. The division shall review the strategy and
25 consider any necessary updates in consultation with the senate energy and natural resources
26 committee and the house science, technology and energy committee, after opportunity for public
27 comment, at least every 3 years starting in 2021. The state energy strategy shall include, but not be
28 limited to, sections on the following:

29 (a) The projected demand for consumption of electricity, natural gas, and other fuels for
30 heating and other related uses.

31 (b) Existing and proposed electricity and natural gas generation and transmission
32 facilities, the effects of future retirements and new resources, and consideration of possible
33 alternatives.

34 (c) Renewable energy and fuel diversity.

35 (d) Small-scale and distributed energy resources, energy storage technologies, and their
36 potential in the state.

1 (e) The role of energy efficiency, demand response, and other demand-side resources in
2 meeting the state's energy needs.

3 (f) The processes for siting energy facilities in the state and the criteria used by the site
4 evaluation committee in giving adequate consideration to the protection of the state's ecosystems
5 and visual, historic, and aesthetic resources in siting processes.

6 (g) The relationship between land use and transportation policies and programs on
7 electricity and thermal energy needs in the state.

8 (h) New Hampshire's role in the regional electric markets, how the regional market
9 affects the state's energy policy goals, and how the state can most effectively participate at the
10 regional level.

11 II. The strategy shall include a review of all state policies related to energy, including the
12 issues in paragraph I, and recommendations for policy changes and priorities necessary to ensure
13 the reliability, safety, fuel diversity, and affordability of New Hampshire's energy sources, while
14 protecting natural, historic, and aesthetic resources and encouraging local and renewable energy
15 resources. The strategy shall also include consideration of the extent to which demand-side
16 measures including efficiency, conservation, demand response, and load management can cost-
17 effectively meet the state's energy needs, and proposals to increase the use of such demand resources
18 to reduce energy costs and increase economic benefits to the state.

19 III. The strategy development process shall include review and consideration of relevant
20 studies and plans, including but not limited to those developed by the independent system operator
21 of New England (ISO-NE), the public utilities commission, the energy efficiency and sustainable
22 energy board, legislative study committees and commissions, and other state and regional
23 organizations as appropriate. The strategy shall also include consideration of new technologies and
24 their potential impact on the state's energy future.

25 12-P:7-b Office of Offshore Wind Industry Development Established.

26 I. There is established in the department of energy the office of offshore wind industry
27 development. The office shall be under the supervision of a classified director of the office of offshore
28 wind industry development, who shall serve under the supervision of the commissioner. The
29 director shall provide administrative oversight and ensure that the responsibilities of the office
30 described in this section are fulfilled.

31 II. The office of offshore wind industry development shall:

32 (a) Support the work of the New Hampshire members of the Intergovernmental
33 Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management
34 (BOEM).

35 (b) Support the work of the offshore wind commission established in RSA 374-F:10.

36 (c) Assist the offshore wind commission to develop and implement offshore wind
37 development strategies including:

- 1 (1) Assessment of port facilities.
- 2 (2) Economic impact analyses.
- 3 (3) Supply chain analyses.
- 4 (4) Outcome and performance measurements.
- 5 (d) Collaborate with key state agencies and partners on offshore wind industry
- 6 development initiatives.
- 7 (e) Coordinate offshore wind industry economic development policy, including:
- 8 (1) Development of workforce.
- 9 (2) Identification of and recruitment of offshore wind development employers.
- 10 (3) Identification and recruitment of offshore wind supply chain employers.
- 11 (4) Promotion of New Hampshire's benefits to the various components of the offshore
- 12 wind industry.
- 13 (5) Provide updates and guidance to the general court with regard to policy and
- 14 funding.

15 12-P:8 Division of Enforcement. There is established within the department the division of
16 enforcement, under the supervision of an unclassified director of the division of enforcement. The
17 division, through its officials, shall be responsible for all functions, duties, and responsibilities which
18 may be assigned to it by the commissioner or laws enacted by the general court.

19 12-P:9 Division of Regulatory Support. There is established within the department the division
20 of regulatory support, under the supervision of an unclassified director of the division of regulatory
21 support. The division, through its officials, shall be responsible for all functions, duties, and
22 responsibilities which may be assigned to it by the commissioner or laws enacted by the general
23 court.

24 12-P:10 Suppliers of Natural Gas and Aggregators of Natural Gas Customers; Rulemaking.

25 I. The department is authorized to adopt rules, pursuant to RSA 541-A, establishing
26 requirements for suppliers of natural gas and the aggregators of natural gas customers, including
27 registration of such suppliers and aggregators before soliciting or doing business in the state,
28 registration fees, disclosure of information to customers, standards of conduct, submission to
29 commission jurisdiction for mediation and resolution of disputes, imposition of penalties for failure
30 to comply with commission requirements, and consumer protection and assistance requirements.

31 II. The department of energy shall adopt rules under RSA 541-A which require all natural
32 gas companies to report to the department, the senate president, and the speaker of the house of
33 representatives, in a uniform manner, lost and unaccounted for gas for each year.

34 (a) Such rules shall include a method using operational and billing data to determine the
35 total amount of lost and unaccounted for gas and to identify and measure each of its components.

36 (b) The department may grant waivers from the rules as necessary for the development
37 of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be

1 intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a
2 waiver shall include the goals of the innovative project, the expected cost, the expected benefit to
3 ratepayers and the expected reduction in greenhouse gas emissions.

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

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

14 12-P:11 Specific Answers. The department or the commission may require any public utility or
15 entity subject to its jurisdiction to make specific answers to questions upon which the department or
16 commission may need information.

17 12-P:12 Transfer of Functions, Powers, Duties. All of the functions, powers, duties, records,
18 personnel, and property of the public utilities commission incorporated in the statutes establishing
19 the department of energy and which replace the authority of the commission with the authority of
20 the department of energy, are hereby transferred, as of July 1, 2021, to the department of energy.

21 12-P:13 Authority to Contract for Power. The department of energy is hereby designated as the
22 agency of the state to bargain with the Power Authority of the State of New York for the
23 procurement of power capacity and power output from said power authority and to bargain with the
24 appropriate agencies and officials of Canada or its provinces for the procurement of power capacity
25 and power output therefrom, with the right to contract for the purchase of such power, and resale of
26 such power on a nonprofit basis to the electric distribution companies, cooperative, municipal and
27 privately-owned without preference or discrimination for distribution within the state. The
28 department of energy with the consent of the governor and council is authorized and empowered to
29 enter into contracts for the transmission of such power from the place of purchase to a point, or
30 points, within the state of New Hampshire.

31 12-P:14 Pipeline Operation Safety.

32 I. The department of energy shall apply annually to the Pipeline and Hazardous Materials
33 Safety Administration of the United States Department of Transportation for authorization to take
34 such actions on its behalf to oversee pipeline operation safety, security, monitoring, and compliance
35 through an inspection process.

36 II. The department of energy shall report annually to the house science, technology, and
37 energy committee prior to October 1 on the status of pipeline safety, new and proposed projects, any

1 deficiency in state law that limits the department's ability to oversee interstate pipelines, or state
2 regulations for pipelines that do not meet the minimum federal standard.

3 12-P:15 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the
4 public utilities commission which are associated with any functions, powers, and duties, transferred
5 to the department of energy pursuant to RSA 12-P:12 or any other statutory provision, shall
6 continue in effect and be enforced by the commissioner of the department of energy until they expire
7 or are repealed or amended in accordance with applicable law.

8 184 Department of Energy; Interim Commissioner. Until appointment of a commissioner under
9 RSA 12-P:4, the governor may initially designate an interim commissioner to serve for up to 60 days
10 from the effective date of this section.

11 185 Repeals. The following are repealed:

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

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

15 III. RSA 6:12, I(b) (79) and (169) relative to office of strategic initiatives revolving funds.

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

17 186 Organization of the Executive Branch. Amend RSA 21-G:6-b, II to read as follows:

18 II. The executive departments are as follows:

19 (a) The department of administrative services.

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

21 (c) The department of banking.

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

23 (e) The department of corrections.

24 (f) The department of education.

25 (g) The department of employment security.

26 **(h) The department of energy.**

27 ~~(h)~~ **(i)** The department of environmental services.

28 ~~(i)~~ **(j)** The department of health and human services.

29 ~~(j)~~ **(k)** The department of information technology.

30 ~~(k)~~ **(l)** The department of insurance.

31 ~~(l)~~ **(m)** The department of labor.

32 ~~(m)~~ **(n)** The department of military affairs and veteran services.

33 ~~(n)~~ **(o)** The department of natural and cultural resources.

34 ~~(o)~~ **(p)** The department of revenue administration.

35 ~~(p)~~ **(q)** The department of safety.

36 ~~(q)~~ **(r)** The department of transportation.

1 (g) Participate and advise in matters of land use planning regarding water resources
2 and floodplain management.

3 (h) Take a leadership role in encouraging smart growth and preserving farmland, open
4 space land, and traditional village centers.

5 (i) Administer the following programs: the statewide comprehensive outdoor recreation
6 plan, the national flood insurance program, and the land conservation investment program. The
7 office shall employ necessary personnel to administer these programs.

8 (j) Perform such other duties as the commissioner may assign.

9 12-O:54 State Development Plan.

10 I. The office of planning and development, under the direction of the commissioner, shall:

11 (a) Assist the commissioner in preparing, publishing, and revising the comprehensive
12 development plan required under RSA 9-A.

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

16 (c) Coordinate and monitor the planning efforts of the regional planning commissions to
17 ensure that the plans published by the commissions are consistent, to the extent practical, with the
18 policies and priorities established in the state development plan.

19 II. In preparing the state development plan, the office of planning and development shall
20 consult with the chief executive officers of the various departments and agencies of state
21 government. The office shall also consult with officials of regional planning commissions and
22 regional and local planning and development agencies, local officials, representatives of the business
23 and environmental community, and the general public.

24 III. All state agencies and departments shall provide the office of planning and development
25 with information and assistance as required by the office to fulfill its responsibilities under
26 paragraph I. The office shall maintain the confidentiality of any information which is protected by
27 law.

28 12-O:55 Data and Information Services. The office of planning and development shall:

29 I. Gather, tabulate, and periodically publish information on the location and pace of
30 development throughout the state, including, but not limited to, population, housing, and building
31 permit data.

32 II. Initiate data coordination procedures as the state agency responsible for coordinating
33 data collection and dissemination among the state, the private sector, and the various political
34 subdivisions.

35 III. Gather information for storage in a data bank concerning the data which is currently
36 available within all state agencies. This data shall be used to provide information which is useful in
37 measuring growth and its impact and for statewide planning purposes in general. The data

1 available for dissemination shall include, but shall not be limited to, information for determining
2 future demands for state services and demographic and economic statistics. Any other state agency
3 or department which initiates a data collection program shall inform the office of planning and
4 development of its efforts so that the office may utilize that information for planning purposes in its
5 dissemination program.

6 IV. Cooperate with the department of environmental services in identifying potential sites
7 for hazardous waste facilities.

8 V. Develop and maintain a computerized geographic information system in support of state,
9 regional, or local planning and management activities.

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

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

14 12-O:56 Policies and Plans.

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

- 20 (a) Water resources.
- 21 (b) Transportation.
- 22 (c) Recreation and natural resources.
- 23 (d) Solid waste and hazardous waste management.
- 24 (e) Off-shore, coastal, and estuarine resources.
- 25 (f) Housing.
- 26 (g) Economic development.
- 27 (h) Energy.
- 28 (i) Shoreland protection.
- 29 (j) Smart growth.

30 12-O:57 Program Established. The director of the office of planning and development shall
31 establish a program of regional and municipal assistance within the office of planning and
32 development. This program shall coordinate state, regional, and local planning efforts with the goal
33 of assuring delivery of efficient and effective assistance to local governments in areas related to
34 growth management and resource protection.

35 12-O:58 Responsibilities for Assistance. The office of planning and development shall:

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

- 1 (a) Planning assistance to local units of government.
2 (b) Preparation of regional plans.
3 (c) Contributions to and coordination with statewide planning and management
4 activities, including the formulation and updating of the comprehensive state development plan
5 prepared pursuant to RSA 12-P:54.

6 II. As requested and in cooperation with regional planning commissions, provide technical
7 assistance and information in support of the planning and growth management efforts of local units
8 of government, including training requested under RSA 673:3-a. The office shall encourage
9 municipalities to first seek assistance from established regional planning commissions.

10 III. Provide computer interface capability among and between each regional planning
11 commission, the office of strategic initiatives, and state data collection and storage sources. The
12 computer interface capability shall be used by regional planning commissions to respond to
13 municipal requests for assistance in the preparation and amending of master plans and in the
14 evaluation of municipal infrastructure needs. The computer interface capability shall also be used
15 by regional planning commissions to develop and update regional master plans, as provided in RSA
16 36:47. The computer equipment used for the purposes of this paragraph shall be compatible and
17 able to interface with the office of planning and development's geographic information system, as
18 well as with other similar state computerized data collection and storage sources.

19 IV. Provide technical assistance and information to municipalities with the cooperation of
20 other state and regional planning agencies in the following areas:

21 (a) Use and application of geographic data available in the state's geographic
22 information system (GIS) for local planning and growth management purposes.

23 (b) Recommending standard procedures for the establishment of accurate, large-scale
24 base mapping to support municipal administrative functions such as tax assessment, public facility
25 management and engineering.

26 12-O:59 Coordination at State Level. The office of planning and development shall coordinate
27 efforts by state agencies to provide technical assistance to municipal governments in areas related to
28 growth management and resource protection.

29 189 State Development Plan. Amend RSA 9-A:2 to read as follows:

30 9-A:2 [~~Office of Strategic Initiatives~~] ***Office of Planning and Development***. The office of
31 [~~strategic initiatives~~] ***planning and development***, under the direction of the [~~governor~~]
32 ***commissioner of business and economic affairs***, shall:

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

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

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

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

5 190 State Development Plan; References Changed. Amend RSA 9-A:4 to read as follows:

6 9-A:4 Consultation With Other Agencies.

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

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

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

16 191 Name Change; Office of Planning and Development. Amend the following RSAs by
17 replacing "office of strategic initiatives" with "office of planning and development": RSA 4-F:1; 12-
18 G:13; 17-M:2; 21-O:5-a; 21-P:48; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-O:5-a; 126-A:4;
19 162-C:1; 162-L:15; 162-L:19; 204-C:8; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-G:2; 227-M:4; 233-
20 A:2; 235:23; 238:20; 270:64; 270:71; 432:19; 482-A:32; 483:8; 483:10; 483-A:6; 483-A:7; 483-B:5; 483-
21 B:12; 483-B:16; 483-B:22; 485-A:4; 673:3-a; 674:3; 675:9.

22 192 Name Change; Department of Energy. Amend the following RSAs by replacing "office of
23 strategic initiatives" with "department of energy": RSA 9-E:5; 12-K:2; 12-K:3; 12-K:6; 12-K:8; 12-
24 K:9; 38-D:6; 147-B:4; 162-H:10; 167:4-c; 369-B:2; 374:22-j.

25 193 Reference Changed: State Energy Strategy; Offshore Wind Commission. Amend RSA 374-
26 F:10, I to read as follows:

27 I. There is established a commission to investigate, in parallel with the work of the Gulf of
28 Maine Intergovernmental Renewable Energy Task Force established by the Bureau of Ocean Energy
29 Management (BOEM) study, the economic development opportunities for New Hampshire in supply
30 chain needs, port capabilities, workforce development, energy procurement, transmission and
31 storage, and fisheries and marine environment, to ensure the success of offshore wind in the Gulf of
32 Maine. The commission may consider, at an appropriate time, in relation to the New Hampshire
33 state energy strategy, outlined in RSA [~~4-E~~] **12-P**, if contracts with developers and utilities can
34 deliver lower costs to ratepayers. The commission may coordinate with the advisory boards
35 established in Executive Order 2019-06 as to assist the commission in reaching its
36 recommendations.

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1 194 Reference Changed; State Energy Policy; Least Cost Energy Planning. Amend RSA 378:38,
2 VII to read as follows:

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

5 195 Reference Changed; Motor Vehicle Waste Fee. Amend the introductory paragraph of RSA
6 261:153, V to read as follows:

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

21 196 Public Utilities Commission; Commission; Term. Amend RSA 363:1 to read as follows:

22 363:1 Commission; Term. There shall be a public utilities commission, ***which shall be an***
23 ***independent agency administratively attached to the department of energy pursuant to***
24 ***RSA 21-G:10. The chair of the commission shall have the powers and duties set forth in***
25 ***RSA 21-G:9. The commission shall be*** composed of 3 commissioners who shall be full-time
26 employees and who shall engage in no other gainful employment during their terms as members.
27 Their term of office shall be for 6 years. Of the 3 commissioners, one shall be an attorney and a
28 member of the New Hampshire Bar and one shall have either background or experience or both in
29 one or more of the following: engineering, economics, accounting or finance.

30 197 Repeal. RSA 363:4-a, relative to duties of commissioners of the public utilities commission,
31 is repealed.

32 198 Public Utilities Commission; Prohibition on Future Employment. Amend RSA 363:12-b to
33 read as follows:

34 363:12-b Prohibition on Future Employment. No commissioner, ***or former*** executive director,
35 finance director, general counsel, or chief engineer of the commission shall accept any employment
36 with any utility under the control of the commission until one year after he or she shall become
37 separated from the commission.

1 199 Public Utilities Commission; Quorum. Amend RSA 363:16 to read as follows:

2 363:16 Quorum. A majority of the commission shall constitute a quorum to issue orders [~~or~~
3 ~~adopt rules~~], and any hearing [~~or investigation~~] may be held or conducted by 2 commissioners or by a
4 single commissioner.

5 200 Public Utilities Commission; Request for Full Commission. Amend RSA 363:17 to read as
6 follows:

7 363:17 Request for Full Commission. No hearing [~~or investigation~~], except in accident cases,
8 shall be held or conducted by a single commissioner if any party whose interests may be affected
9 shall, 5 days before the date of hearing, file a request in writing that the same be held or conducted
10 by the full commission, or a majority thereof. If no such request is filed, the commission may assign
11 one of its members or appoint a qualified member of its staff as examiner to hear the parties, report
12 the facts, and make recommendations to the commission.

13 201 Repeal. The following are repealed:

14 I. RSA 363:18-a, relative to the authority of the public utilities commission to contract for
15 power.

16 II. RSA 363:22-a, relative to pipeline operation safety.

17 202 Public Utilities Commission; Staff. Amend RSA 363:27 to read as follows:

18 363:27 Staff[; ~~Separation of Functions~~].

19 I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the
20 commission shall have the power, subject to the state personnel regulations and within the limits of
21 the appropriation for such purpose, to employ and fix the compensation of such regular staff,
22 including experts, as it shall deem necessary. Notwithstanding any other provision of law, if the
23 expenditure of additional funds over budget estimates is necessary for the proper functioning of the
24 public utilities commission, the governor and council, with the prior approval of the fiscal committee
25 of the general court, upon request from the commission, may authorize an additional assessment
26 pursuant to RSA 363-A for such purpose.

27 II. The staff of the commission shall be organized as the [~~commission~~] **chairperson**
28 determines best achieves its statutory responsibilities.

29 III. [~~Executive Director and General Counsel. The commission shall appoint an executive~~
30 ~~director, who shall serve for a term of 4 years. The commission shall also appoint a general counsel,~~
31 ~~who shall serve for a term of 4 years and until a successor is appointed and qualified.] **"Staff"**
32 **means the employees of the commission and any consultants and other contractors**
33 **retained by the commission for the purpose of assisting the commission and its employees**
34 **in providing advice or information, or for the purpose of supplementing the work of the**
35 **commission and its employees.**~~

36 IV. [~~Director of Safety and Security. The commission shall appoint a director of safety and~~
37 ~~security, who shall serve a term of 4 years. The director of safety and security shall be qualified to~~

1 ~~hold that position by reason of education and experience and shall perform such duties as are~~
2 ~~assigned by the chairman of the commission.]~~

3 203 Office of the Consumer Advocate; Attachment to Department of Energy. Amend the
4 introductory paragraph of RSA 363:28, I to read as follows:

5 I. The office of the consumer advocate shall be an independent agency administratively
6 attached to the ~~[public utilities commission]~~ **department of energy** pursuant to RSA 21-G:10. The
7 office shall consist of the following:

8 204 Office of the Consumer Advocate; Attachment to Department of Energy. Amend RSA
9 363:28, III to read as follows:

10 III. The consumer advocate shall have authority to contract for outside consultants within
11 the limits of funds available to the office. With the approval of the fiscal committee of the general
12 court and the governor and council, the office of the consumer advocate may employ experts to assist
13 it in proceedings before the public utilities commission, and may pay them reasonable compensation.
14 The ~~[public utilities commission]~~ **department of energy** shall charge a special assessment for any
15 such amounts against any utility participating in such proceedings and shall provide for the timely
16 recovery of such amounts for the affected utility.

17 205 Repeal. RSA 363:30 through RSA 363:36, relative to participation of staff of the public
18 utilities commission in adjudicative proceedings, are repealed.

19 206 Public Utilities Commission; Complaints. Amend RSA 363:39 to read as follows:

20 363:39 Complaints ~~[to the Commission]~~. When complaints to the ~~[public utilities commission]~~
21 **department of energy** are initiated by residential customers, the ~~[commission]~~ **department** shall
22 provide to the consumer advocate access to the complaint, by paper or electronically, with the
23 customer name blocked out, at the same time as the ~~[commission]~~ **department** forwards the
24 complaint to the utility in compliance with ~~[commission]~~ **department** rules.

25 207 Electric Vehicle Charging Stations Infrastructure Commission; Membership. Amend RSA
26 4-G:1, II(a)(1) to read as follows:

27 (1) ~~[Office of strategic initiatives]~~ **Department of energy**.

28 208 Electric Vehicle Charging Stations Infrastructure Commission; Duties. Amend RSA 4-G:1,
29 III(f) to read as follows:

30 (f) Changes needed to state laws, rules, and practices, including building codes,
31 **department of energy rules**, and public utilities commission rules, to further the development of
32 zero emission vehicle technology and infrastructure.

33 209 Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. Amend
34 RSA 6:12-b to read as follows:

35 6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On
36 request of the ~~[public utilities commission]~~ **department of energy**, the state treasurer shall
37 maintain custody over funds collected by order of the public utilities commission consisting of only

1 that portion of the system benefits charge directly attributable to programs for low income customers
2 as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this
3 section shall be kept separate from any other funds and shall be administered in accordance with
4 terms and conditions established by the ~~[public utilities commission]~~ **department of energy**. Plans
5 for the administration of such funds shall be approved by the fiscal committee of the general court
6 and the governor and council prior to submission to the ~~[public utilities commission]~~ **department of**
7 **energy**. Appropriations and expenditures of such funds in fiscal years 2002 and 2003 shall be
8 approved by the fiscal committee of the general court and the governor and council prior to
9 submission to the ~~[public utilities commission]~~ **department of energy**. For each biennium
10 thereafter, appropriations and expenditures of such funds shall be made through the biennial
11 operating budget.

12 210 Energy Efficiency and Clean Energy Districts. Amend RSA 53-F:6, I to read as follows:

13 I. Improvements financed pursuant to an agreement under this chapter shall be based upon
14 an audit performed by a person who has been certified as a building analyst by the Building
15 Performance Institute or who has obtained other appropriate certification as determined by the
16 ~~[public utilities commission]~~ **department of energy** or another appropriate New Hampshire-based
17 entity. The audit shall identify recommended energy conservation and efficiency and clean energy
18 improvements; provide the estimated energy cost savings, useful life, benefit-cost ratio, and simple
19 payback or return on investment for each improvement; and provide the estimated overall difference
20 in annual energy costs with and without recommended improvements. Financed improvements
21 shall be consistent with the audit recommendations. The cost of the audit may be included in the
22 total amount financed under this chapter.

23 211 Enhanced 911 Commission; Membership. Amend the introductory paragraph of RSA 106-
24 H:3, I(a) to read as follows:

25 (a) There is hereby established an enhanced 911 commission consisting of 19 members,
26 including the director of the division of fire standards and training and emergency medical services
27 or designee, the ~~[chairman of the public utilities commission]~~ **commissioner of the department of**
28 **energy** or designee, the commissioner of the department of safety or designee, a public member, a
29 police officer experienced in responding to emergency calls, a representative of the disabled
30 community, and one active member recommended by each of the following organizations, nominated
31 by the governor with the approval of the council:

32 212 Energy Efficiency and Sustainable Energy Board; Membership. Amend RSA 125-O:5-a,
33 II(b) to read as follows:

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

35 (a) The chairman of the public utilities commission, or designee.

36 (b) The ~~[director of the office of strategic initiatives]~~ **commissioner of the department**
37 **of energy**, or designee.

- 1 (c) The consumer advocate, or designee.
- 2 (d) The commissioner of the department of environmental services, or designee.
- 3 (e) The commissioner of the department of business and economic affairs, or designee.
- 4 (f) The president of the Business and Industry Association of New Hampshire, or
5 designee.
- 6 (g) The executive director of the New Hampshire Municipal Association, or designee.
- 7 (h) The executive director of New Hampshire Legal Assistance, or designee.
- 8 (i) The president of the Homebuilders ampersand Remodelers Association of New
9 Hampshire, or designee.
- 10 (j) Two members of the house science, technology and energy committee appointed by
11 the speaker of the house of representatives.
- 12 (k) One member of the senate energy, environment and economic development
13 committee, appointed by the president of the senate.
- 14 (l) Three representatives from not-for-profit groups representing energy, environmental,
15 consumer, or public health issues and knowledgeable in energy conservation policies and programs,
16 appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of the department of**
17 **energy**.
- 18 (m) The commissioner of the department of administrative services, or designee.
- 19 (n) The state fire marshal, or designee.
- 20 (o) The executive director of the New Hampshire housing finance authority, or designee.
- 21 III. The board shall include, as nonvoting participants, the following:
- 22 (a) One representative from each utility-administered electric and natural gas energy
23 efficiency program appointed by the ~~[chairman of the public utilities commission]~~ **commissioner of**
24 **the department of energy**.
- 25 (b) A representative of energy services companies delivering energy efficiency services to
26 residential and business customers, appointed by the ~~[chairman of the public utilities commission]~~
27 **commissioner of the department of energy**.
- 28 (c) A representative of a business or association of businesses selling or installing
29 sustainable or renewable energy systems, appointed by the ~~[chairman of the public utilities~~
30 ~~commission]~~ **commissioner of the department of energy**.
- 31 (d) A representative from the investment community with expertise in efficiency
32 investments and financing, appointed by the ~~[chairman of the public utilities commission]~~
33 **commissioner of the department of energy**.
- 34 IV. The chairman of the public utilities commission shall call the first meeting of the board.
35 The board shall elect a chairperson from among its members. Seven members of the board shall
36 constitute a quorum. The board shall make an annual report on December 1 to the governor, the
37 speaker of the house of representatives, the president of the senate, the house science, technology

1 and energy committee, the senate energy, environment and economic development committee, *the*
2 *department of energy*, and the public utilities commission, to provide an update on its activities
3 and recommendations for action including possible legislation.

4 V. The board shall be administratively attached to the ~~[public utilities commission]~~
5 *department of energy* under RSA 21-G:10.

6 213 State Building Code Review Board; Membership. Amend RSA 155-A:10, I(k) to read as
7 follows:

8 (k) One representative from the New Hampshire ~~[public utilities commission]~~
9 *department of energy*, nominated by the ~~[chairman of the commission]~~ *commissioner of the*
10 *department of energy*.

11 214 New Hampshire Building Code; Energy Code Compliance Form. Amend RSA 155-A:10-a to
12 read as follows:

13 155-A:10-a Energy Code Compliance Form. The state building code review board shall prescribe
14 by rule and make available to the public, in electronic formats, a simplified residential energy code
15 compliance form based upon the energy provisions in the International Residential Code and the
16 International Energy Conservation Code identified in RSA 155-A:1. The correctly completed form
17 shall be accepted by all code enforcement authorities within the state of New Hampshire as one
18 method of verification that the applicable project meets the code requirements. Completed
19 compliance forms shall be submitted to the building official in those municipalities that have
20 adopted an enforcement mechanism under RSA 674:51. For municipalities without an adopted code
21 enforcement mechanism, completed compliance forms shall be submitted to the New Hampshire
22 ~~[public utilities commission]~~ *department of energy*, on behalf of the building code review board, for
23 verification that the applicable project meets the code requirements. The ~~[public utilities~~
24 ~~commission]~~ *department of energy* shall then forward the reviewed compliance forms to the
25 municipality for retention in property records.

26 215 Conduct of Studies Concerning Changes in Laws and Regulations with a View to Atomic
27 Development. Amend RSA 162-B:3, IV to read as follows:

28 IV. The public utilities commission *and the department of energy*, particularly as to the
29 transportation of special nuclear materials and by-product materials by common carriers or public or
30 private air carriers not in interstate commerce and as to the participation by public utilities subject
31 to ~~[its]~~ *their* jurisdiction in projects looking to the development of production or utilization facilities
32 for industrial or commercial use.

33 216 Nuclear Decommissioning Financing Committee; Membership. Amend RSA 162-F:15, II to
34 read as follows:

35 II. Each committee shall consist of one person who is a resident of the town or city in which
36 the facility is located and who shall be appointed by the selectmen of the town or the mayor and
37 council of the city, the chairman of the public utilities commission, *the commissioner of the*

1 **department of energy**, one senator, to be appointed by the senate president, one house member, to
2 be appointed by the speaker of the house of representatives, the state treasurer or designee, the
3 commissioner of the department of health and human services or designee, the commissioner of the
4 department of safety or designee, and the director of the governor's office of energy and community
5 services or designee.

6 217 Organization of Nuclear Decommissioning Financing Committees. Amend RSA 162-F:17, I
7 to read as follows:

8 I. The temporary chairman of each committee formed, who shall be the ~~chairman of the~~
9 ~~public utilities commission~~ **commissioner of the department of energy**, shall call an
10 organizational meeting within 90 days of formation. At the organizational meeting, the committee
11 shall select a chairman to serve for a 3-year term, elect such other officers as the members shall
12 determine, and establish a schedule of meetings for determining the requirements of the
13 decommissioning fund.

14 218 Decommissioning of Nuclear Electric Generating Facilities; Report; Public Hearing. Amend
15 RSA 162-F:21, III-IV to read as follows:

16 III. Each committee shall rely on all available data and experience in determining the
17 amount of such fund including, but not limited to, information from the Nuclear Regulatory
18 Commission; the public utilities commission; **the department of energy**, the owner or owners of the
19 facility; municipal and regional planning commissions and municipal governing bodies; and relevant
20 construction cost indices. The committee shall publish a transcript of all proceedings during which
21 information was presented or offered into testimony, and a detailed analysis of the facts and figures
22 used in determining the amount of the fund.

23 IV. Following the committee's deliberation and prior to final hearing, the plan for scheduled
24 payments into the fund and relevant evidence, including the transcripts and analysis published
25 pursuant to RSA 162-F:21, III, shall be available for public review in the clerk's office of the city or
26 town where the facility is located and in the office of the ~~public utilities commission~~ **department of**
27 **energy** at least 30 days prior to the one or more public hearings on the committee's proposed plan.
28 At least one hearing shall be held in the city or town where the facility is located. A notice of the
29 time and place of each hearing shall be posted in 2 appropriate public places in the city or town
30 where the facility is located and shall be printed at least twice in a newspaper of general circulation
31 for that city or town and in a newspaper of state-wide circulation 2 weeks prior to each hearing.
32 Testimony presented at the hearings held pursuant to this paragraph shall be taken into
33 consideration by the committee when it formalizes the payment schedule plan. All testimony shall
34 be transcribed and made a permanent record.

35 219 Site Evaluation Committee; Membership; Administrative Attachment. Amend RSA 162-
36 H:3, I-IV to read as follows:

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1 I. There is hereby established a committee to be known as the New Hampshire site
2 evaluation committee consisting of 9 members, as follows:

3 (a) The commissioners of the public utilities commission, the chairperson of which shall
4 be the chairperson of the committee;

5 (b) The commissioner of the department of environmental services, who shall be the
6 vice-chairperson of the committee;

7 (c) The commissioner of the department of business and economic affairs or designee;

8 (d) The commissioner of the department of transportation;

9 (e) The commissioner of the department of natural and cultural resources, the director of
10 the division of historical resources, or designee; ~~and~~

11 (f) ~~[Two members]~~ **One member** of the public, appointed by the governor, with the
12 consent of the council, in accordance with RSA 162-H:4-b, III[-]; **and**

13 **(g) The commissioner of the department of energy.**

14 II. All members, including those who sit for a member recused under paragraph VI, shall
15 refrain from ex parte communications regarding any matter pending before the committee. This
16 prohibition shall extend to those who sit on any subcommittee formed under RSA 162-H:4-a.

17 III. Seven members of the committee shall constitute a quorum for the purpose of
18 conducting the committee's business.

19 IV. The committee shall be administratively attached to the ~~[public utilities commission]~~
20 **department of energy** pursuant to RSA 21-G:10.

21 220 Minimum Energy Efficiency Standards for Certain Products; Definitions. Amend RSA 339-
22 G:1, II to read as follows:

23 II. ~~["Commission" means the public utilities commission.]~~ **"Department" means the**
24 **department of energy.**

25 221 Reference Change; Minimum Energy Efficiency Standards for Certain Products;
26 Department. Amend the following RSA provisions by replacing the term "commission" with
27 "department": 339-G:3, II(b), 339-G:4, II, 339-G:5, 339-G:6, 339-G:7, 339-G:8, 339-G:9.

28 222 Gas Companies; When Public Utilities. Amend RSA 362:4-b, III to read as follows:

29 III. Nothing in this section prevents the ~~[commission]~~ **department of energy** from
30 monitoring or enforcing the provisions of federal pipeline safety standards relative to liquefied
31 petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act.

32 223 New Paragraph; Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-
33 A:1-a by inserting after paragraph II-d the following new paragraph:

34 II-e. "Department" means the New Hampshire department of energy.

35 224 Reference Change; Net Energy Metering; Department of Energy. Amend the following RSA
36 provisions by replacing the term "commission" with "department": 362-A:9, X-XII.

37 225 Net Energy Metering. Amend RSA 362-A:9, XIV to read as follows:

1 XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing
 2 or otherwise controlling the energy costs of a group of customers who are not customer-generators.
 3 The group of customers shall be located within the service territory of the same electric distribution
 4 utility as the host. The host shall provide a list of the group members to the commission and the
 5 electric distribution utility and shall certify that all members of the group have executed an
 6 agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility
 7 and that the total historic annual load of the group members together with the host exceeds the
 8 projected annual output of the host's facility. The ~~[commission]~~ **department** shall verify that these
 9 group requirements have been met and shall register the group host. The ~~[commission]~~ **department**
 10 shall establish the process for registering hosts, including periodic re-registration, and the process by
 11 which changes in membership are allowed and administered. Net metering tariffs under this section
 12 shall not be made available to a customer-generator group host until such host is registered by the
 13 ~~[commission]~~ **department**.

14 (b) Except as provided in subparagraph (c), the provisions of this section shall apply to a
 15 group host as a customer-generator.

16 (c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at
 17 the end of each billing cycle at rates consistent with the credit the group host receives relative to its
 18 own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be
 19 applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on
 20 the customer electric bill for each member and the host, with the utility being allowed the most cost-
 21 effective method of doing so according to an amount or percentage specified for each member on PUC
 22 form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition
 23 from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate
 24 income community solar projects, as defined in RSA 362-F:2, X-a. On or before July 1, 2022, the
 25 ~~[commission]~~ **department** shall report on the costs and benefits of such an addition and the
 26 development of the market for low-moderate income community solar projects, and provide a
 27 recommendation on whether the addition shall be increased or decreased. The ~~[commission]~~
 28 **department** shall report on the costs and benefits of low-moderate income community solar projects,
 29 as defined in RSA 362-F:2, X-a on or before June 1, 2020. The ~~[commission]~~ **department** shall
 30 authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2,
 31 X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for
 32 all group host systems except for residential systems with an interconnected capacity under 15
 33 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus
 34 generation for which it was paid is greater than the group's total electricity usage during the same
 35 time period. The adjustment shall be such that the resulting compensation to the host for the
 36 amount that exceeded the group's total usage shall be at the utility's avoided cost or its default

1 service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be
2 applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

3 (d) [Repealed.]

4 (e) The ***department is authorized to petition the*** commission [~~is authorized~~] to assess
5 fines against, revoke the registration of, and prohibit from doing business in the state, any group
6 host which violates the requirements of this paragraph and rules adopted pursuant to this
7 paragraph. ***The commission is authorized to grant or deny such petitions.***

8 226 Repeal. RSA 362-F:2, IV, relative to the definition of "commission" as it pertains to electric
9 renewable portfolio standards, is repealed.

10 227 Electric Renewable Energy Classes; Reference Changed. Amend RSA 362-F:4, I(i)-(k) to
11 read as follows:

12 (i) The incremental new production of electricity in any year from an eligible biomass or
13 methane source or any hydroelectric generating facility licensed or exempted by Federal Energy
14 Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical
15 generation baseline, provided the [~~commission~~] ***department of energy*** certifies demonstrable
16 completion of capital investments attributable to the efficiency improvements, additions of capacity,
17 or increased renewable energy output that are sufficient to, were intended to, and can be
18 demonstrated to increase annual renewable electricity output. The determination of incremental
19 production shall not be based on any operational changes at such facility but rather on capital
20 investments in efficiency improvements or additions of capacity.

21 (j) The production of electricity from a class III or IV source that has begun operation as
22 a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and
23 equipment, but not its property and intangible assets, is derived from capital investment directly
24 related to restoring generation or increasing capacity including department permitting requirements
25 for new plants. Such production shall not qualify for class III or IV certificates. Commencing July 1,
26 2013, a class III source eligible as a class I source under this subparagraph or subparagraph (i) may
27 submit a notice to the [~~commission~~] ***department of energy*** electing to be a class III source instead
28 of a class I source. Once such notice is given, the production from such a source shall qualify for
29 class III certificates, provided the source meets the other requirements of a class III eligible biomass
30 technology.

31 (k) The production of electricity from any fossil-fueled generating facility that originally
32 commenced operation prior to January 1, 2006, if after January 1, 2012 such facility co-fires with
33 class I eligible biomass fuels to displace the combustion of an amount of fossil fuels. The portion of
34 the total electrical energy output that qualifies as class I from a facility in a given time period shall
35 be the fraction of electrical production derived from the combustion of biomass fuels based on the
36 heat input at the facility in that time period as determined by the [~~commission~~] ***department of***

1 **energy** in consultation with the department. To qualify under this paragraph, the electricity
2 generation facility that co-fires with biomass fuels shall:

3 (1) Either have a quarterly average nitrogen oxide (NOx) emission rate, as measured
4 and verified under RSA 362-F:12, of less than or equal to 0.075 pounds/million British thermal units
5 (lbs/Mmbtu) or be a participant in a plan approved by the department for reductions in NOx from
6 other emission sources. The quantity of reductions required shall be the fraction of electrical
7 production derived from the combustion of biomass fuels, as determined under this paragraph,
8 multiplied by the difference between the generation unit's NOx emissions rate and the 0.075
9 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or individually, in NOx
10 emissions from other emission sources under the jurisdiction of the department and demonstrate
11 that the reductions will be quantifiable. The department shall expeditiously review the plan and, if
12 approved, provide such information as it deems relevant to the ~~[commission]~~ **department of energy**.
13 The application submitted to the ~~[commission]~~ **department of energy** under RSA 362-F:11 shall
14 inform the ~~[commission]~~ **department of energy** of the plan and the ~~[commission]~~ **department of**
15 **energy** shall certify the source in accordance with the plan approved by the department; and

16 (2) Either have an average particulate emission rate, as measured and verified
17 under RSA 362-F:12, of less than or equal to 0.02 lbs/Mmbtu or be a participant in a plan approved
18 by the department for reductions in particulate matter emissions from emission sources owned by or
19 affiliated with the co-firing entity. The quantity of reductions required shall be the fraction of
20 electrical production derived from the combustion of biomass fuels, as determined under this
21 paragraph, multiplied by the difference between the generation unit's particulate matter emissions
22 rate and the 0.02 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or
23 individually, in particulate matter emissions from other emission sources under the jurisdiction of
24 the department and demonstrate that the reductions will be quantifiable. The department shall
25 expeditiously review the plan and, if approved, provide such information as it deems relevant to the
26 ~~[commission]~~ **department of energy**. The application submitted to the ~~[commission]~~ **department**
27 **of energy** under RSA 362-F:11 shall inform the commission of the plan and the commission shall
28 certify the source in accordance with the plan approved by the department.

29 228 Electric Renewable Energy Classes; Reference Change. Amend RSA 362-F:4, IV-VI to read
30 as follows:

31 IV.(a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from
32 hydroelectric energy, provided the facility:

33 (1) Began operation prior to January 1, 2006;

34 (2) When required, has documented applicable state water quality certification
35 pursuant to section 401 of the Clean Water Act for hydroelectric projects; and

36 (3) Either:

1 (A) Has a total nameplate capacity of 5 MWs or less as measured by the sum of
2 the nameplate capacities of all the generators at the facility and has actually installed both
3 upstream and downstream diadromous fish passages and such installations have been approved by
4 the Federal Energy Regulatory Commission, or;

5 (B) Has a total nameplate capacity of one MW or less as measured by the sum of
6 the nameplate capacities of all generators at the facility, is in compliance with applicable Federal
7 Energy Regulatory Commission fish passage restoration requirements, and is interconnected with
8 an electric distribution system located in New Hampshire.

9 (b)(1) Notwithstanding subparagraph (a), the ~~commission~~ **department of energy** shall
10 re-certify as class IV renewable energy sources the facilities named in **public utilities** commission
11 order numbers 24,940 and 24,952. These facilities are:

12 (A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities ~~owned~~
13 ~~by Public Service Company of New Hampshire~~, which had been previously certified by the **public**
14 **utilities** commission on September 23, 2008; and

15 (B) The North Gorham and Bar Mills projects owned by FPL Energy Maine
16 Hydro, LLC which had been previously certified by the **public utilities** commission on October 30,
17 2008.

18 (2) These facilities shall not qualify or be certified as class IV renewable energy
19 sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such
20 facilities shall be eligible for class IV renewable energy certificates for all electricity generated
21 between the effective date of each facility's original certification by the **public utilities** commission
22 through March 23, 2009. Such certificates shall have the same validity as any other class IV
23 certificate issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.

24 V. For good cause, and after notice and hearing, the commission may accelerate or delay by
25 up to one year, any given year's incremental increase in class I or II renewable portfolio standards
26 requirement under RSA 362-F:3.

27 VI. After notice and hearing, the ~~commission~~ **department of energy** may modify the class
28 III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years
29 beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent
30 and 95 percent of the reasonably expected potential annual output of available eligible sources after
31 taking into account demand from similar programs in other states.

32 229 Renewable Energy Certificates. Amend RSA 362-F:6, V to read as follows:

33 V. A qualified producer of useful thermal energy shall provide for the metering of useful
34 thermal energy produced in order to calculate the quantity of megawatt-hours for which renewable
35 energy certificates are qualified, and to report to the ~~public utilities commission~~ **department of**
36 **energy** under rules adopted pursuant to RSA 362-F:13. Monitoring, reporting, and calculating the

1 useful thermal energy produced in each quarter shall be expressed in megawatt-hours, where each
2 3,412,000 BTUs of useful thermal energy is equivalent to one megawatt-hour.

3 230 Electric Renewable Portfolio Standard; Information Collection; Reference Change. Amend
4 RSA 362-F:8 to read as follows:

5 362-F:8 Information Collection.

6 I. By July 1 of each year, each provider of electricity shall submit a report to the
7 ~~[commission]~~ **department of energy**, in a form approved by the ~~[commission]~~ **department of**
8 **energy**, documenting its compliance with the requirements of this chapter for the prior year. The
9 ~~[commission]~~ **department of energy** may investigate compliance and collect any information
10 necessary to verify and audit the information provided to the ~~[commission]~~ **department of energy**
11 by providers of electricity.

12 II. The ~~[commission]~~ **department of energy** shall adopt rules governing the reporting
13 requirements under paragraph I that are designed to minimize the administrative costs and burden
14 on electricity providers.

15 III. Beginning October 1, 2019 and by October 1 of each subsequent year, the ~~[commission]~~
16 **department of energy** shall disclose the information collected under paragraph I as public
17 information in the ~~[commission's]~~ **department of energy** annual report pursuant to RSA 362-F:10,

18 IV. No information shall be disclosed to the public that is confidential as defined by ~~[public utilities~~
19 ~~commission]~~ **department of energy** or NEPOOL Generation Information System rules.

20 IV. The ~~[commission]~~ **department of energy** shall provide as part of the annual renewable
21 energy fund report, pursuant to RSA 362-F:10, IV, renewable portfolio standard compliance costs
22 and average electric rate impact; renewable energy certificate versus alternative compliance
23 payments comparison; and alternative compliance payments by class and provider of electricity. The
24 report shall also include the number of renewable energy certificates that were purchased during the
25 prior compliance year by class.

26 V. The ~~[commission]~~ **department of energy** shall complete the rulemaking process and
27 submit requests to the administrator of the NEPOOL Generation Information System that are
28 necessary to implement this section no later than April 1, 2019.

29 231 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10 to
30 read as follows:

31 362-F:10 Renewable Energy Fund.

32 I. There is hereby established a renewable energy fund. This special fund shall be
33 nonlapsing. The state treasurer shall invest the moneys deposited therein as provided by law.
34 Income received on investments made by the state treasurer shall also be credited to the fund. All
35 payments to be made under this section shall be deposited in the fund. Any remaining moneys paid
36 into the fund under paragraph II of this section, excluding class II moneys, shall be used by the
37 ~~[commission]~~ **department of energy** to support thermal and electrical renewable energy initiatives.

1 Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All
2 initiatives supported out of these funds shall be subject to audit by the [~~commission~~] **department of**
3 **energy** as deemed necessary. All fund moneys including those from class II may be used to
4 administer this chapter, but all new employee positions shall be approved by the fiscal committee of
5 the general court. No new employees shall be hired by the [~~commission~~] **department of energy** due
6 to the inclusion of useful thermal energy in class I production.

7 II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the
8 extent sufficient certificates are not otherwise available at a price below the amounts specified in
9 this paragraph, an electricity provider may, at the time of report submission for that year under RSA
10 362-F:8, make payment to the [~~commission~~] **department of energy** at the following rates for each
11 megawatt-hour not met for a given class obligation through the acquisition of certificates:

12 (a) Class I-\$55, except for that portion of the class electric renewable portfolio standards
13 to be met by qualifying renewable energy technologies producing useful thermal energy under RSA
14 362-F:3 which shall be \$25 beginning January 1, 2013.

15 (b) Class II-\$55.

16 (c) Class III-\$31.50.

17 (d) Class IV-\$26.50.

18 III.(a) Beginning in 2013, the [~~commission~~] **department of energy** shall adjust these rates
19 by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor
20 Statistics of the United States Department of Labor for classes III and IV and 1/2 of such Index for
21 classes I and II.

22 (b) In lieu of the adjustments under subparagraph (a) for class III in 2015 and 2016, the
23 class rate in each of those years shall be \$45. In lieu of the adjustments under subparagraph (a) for
24 class III in 2017, 2018, and 2019, the class rate in each of those years shall be \$55.

25 (c) By January 31, 2020 the [~~commission~~] **department of energy** shall compute the
26 2020 class III rate to equal the rate that would have resulted in 2020 by the application of
27 subparagraph (a) to the 2013 rate and each subsequent year's rate to 2020.

28 (d) In 2021 and thereafter, the class III rate shall be determined by application of
29 subparagraph (a) to the prior year's rate.

30 IV. The [~~commission~~] **department of energy** shall make an annual report by October 1 of
31 each year, beginning in 2009, to the legislative oversight committee to monitor the transformation of
32 delivery of electric services established under RSA 374-F:5, the house science, technology and energy
33 committee, and the senate energy and natural resources committee detailing how the renewable
34 energy fund is being used and any recommended changes to such use. The report shall also include
35 information on the total peak generating capacity that is net energy metered under RSA 362-A:9
36 within the franchise area of each electric distribution utility, and the percentage this represents of
37 the amount that is allowed to be net metered within each franchise area. Information shall be

1 provided on net metered group host registrations and the associated customer groups, including
2 number and location of group host facilities, generation by renewable source and size of facility, and
3 group load served by such facilities.

4 V. The ~~[public utilities commission]~~ **department of energy** shall make and administer a
5 one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum
6 payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential
7 owner of a small renewable generation facility, that would qualify as a Class I or Class II source of
8 electricity, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

9 VI. Such payments shall be allocated from the renewable energy fund established in
10 paragraph I, as determined by the ~~[commission]~~ **department of energy** to the extent funding is
11 available up to a maximum aggregate payment of 40 percent of the fund over each 2-year period
12 commencing July 1, 2010.

13 VII. The ~~[commission]~~ **department of energy** shall, after notice and hearing, by order or
14 rule establish an application process for the incentive payment program established under
15 paragraph V. The application process shall include verification of costs for parts and labor,
16 certification that the equipment used meets the applicable safety standards of the American
17 National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating
18 agency, and that the facility meets local zoning regulations, and receives any required inspections.

19 VIII. The ~~[commission]~~ **department of energy** may, after notice and hearing, by order or
20 rule, establish additional incentive or rebate programs and competitive grant opportunities for
21 renewable thermal and electric energy projects sited in New Hampshire.

22 IX. For good cause the ~~[commission]~~ **department of energy** may, after notice and hearing,
23 by order or rule, modify the program, including reducing the incentive level, created under RSA 362-
24 F:10, V.

25 X. Consistent with RSA 362-F:10, VI, the ~~[commission]~~ **department of energy** shall, over
26 each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended,
27 allocated, or obligated from the fund, net of administrative expenditures, between residential and
28 nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects in the
29 residential sector shall be in approximate proportion to the amount of electricity sold at retail to that
30 sector in New Hampshire, and the remaining funds from the renewable energy fund shall be
31 awarded to projects in the nonresidential sector which include commercial and industrial sited
32 renewable energy projects, existing generators, and developers of new commercial-scale renewable
33 generation in New Hampshire, provided no less than 15 percent of the funds shall annually benefit
34 low-moderate income residential customers, including, but not limited to, the financing or leveraging
35 of financing for low-moderate income community solar projects in manufactured housing
36 communities or in multi-family rental housing.

1 XI. The ~~[commission]~~ **department of energy** shall issue requests for proposals that provide
2 renewable projects in the nonresidential sector, which include commercial and industrial sited
3 renewable energy projects, existing generators, and developers of new commercial-scale renewable
4 generation in New Hampshire, with opportunities to receive funds from the renewable energy fund
5 established under RSA 362-F:10. The requests for proposals shall provide such opportunities to
6 those renewable energy projects that are not eligible to participate in incentive and rebate programs
7 developed by the ~~[commission]~~ **department of energy** under RSA 362-F:10, V and RSA 362-F:10,
8 VIII. The ~~[commission]~~ **department of energy** shall issue a request for proposals no later than
9 March 1, 2011 and annually thereafter, and select winning projects in a timely manner.

10 232 References Change; Electric Renewable Portfolio Standards; Department of Energy. Amend
11 the following RSA provisions by replacing "commission" with "department of energy": 362-F:5, 362-
12 F:6, I-IV, 362-F:9, 362-F:11, 362-F:12, 362-F:13, 362-F:14.

13 233 Expenses of the Public Utilities Commission Against Certain Utilities. Amend RSA 363-A:1
14 to read as follows:

15 363-A:1 Ascertainment of Expenses. The ~~[public utilities commission]~~ **department of energy**
16 shall annually, after the close of the fiscal year, ascertain the total of its expenses **attributable to**
17 **support of the public utilities commission and to performance of all duties and**
18 **responsibilities transferred to the department from the public utilities commission, in**
19 **addition to the total of the public utilities commission's expenses** during such year incurred in
20 the performance of its duties relating to public utilities as defined in RSA 362 and other entities
21 subject to its regulatory and enforcement authority and relating to the office of the consumer
22 advocate. In the determination of such expenses there shall be excluded the expenses which have
23 been or may be charged and recovered under the provisions of RSA 365:37, RSA 365:38, and RSA
24 374-F:7, I.

25 234 Expenses of Public Utilities Commission Against Certain Utilities; Assessment. Amend
26 RSA 363-A:2, III-IV to read as follows:

27 III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an
28 annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of energy**. Each
29 electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of
30 \$2,000 on an annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of**
31 **energy**. Each telecommunications carrier voluntarily registered with the commission shall be
32 assessed the sum of \$1,000 on an annual basis and shall pay such sum to the ~~[commission]~~
33 **department of energy**.

34 IV. The expenses of the ~~[commission]~~ **department of energy and the public utilities**
35 **commission**, less the total of the assessed sums paid ~~[to the commission]~~ pursuant to paragraph III,
36 shall be allocated to each utility and other assessed entity in direct proportion as the revenue
37 calculation for such utility or other assessed entity relates to the total of all such revenue

1 calculations as a whole, except as otherwise provided in paragraph V. Each such expense allocation
2 shall be assessed against each public utility and other assessed entity in an amount equal to its
3 proportionate share as determined under this section, except that the expense allocation attributed
4 to each entity described in subparagraph I(e) shall be imputed to and included in the expense
5 allocation to each electric or natural gas distribution utility or rural electric cooperative for which a
6 certificate of deregulation is on file with the commission, in correspondence to the revenue portion
7 reported pursuant to paragraph II as having been received from the distribution customers of such
8 distribution utility or the members of such rural electric cooperative for which a certificate of
9 deregulation is on file with the commission.

10 235 Expenses of Public Utilities Commission Against Certain Utilities; Certification of
11 Assessment; Collection. Amend RSA 363-A:3 and RSA 363-A:4 to read as follows:

12 363-A:3 Certification of Assessment. It shall be the duty of the [~~public utilities commission~~]
13 **department of energy** to calculate the amount to be assessed against each such public utility and
14 each other entity subject to assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the
15 beginning of each fiscal year, the [~~public utilities commission~~] **department of energy** shall estimate
16 [~~its~~] **the** total expenses for the fiscal year, and then, based on such estimate, shall calculate the
17 amount to be assessed quarterly on August 10, October 15, January 15, and April 15 of that fiscal
18 year, against each such public utility and other assessed entity in accordance with RSA 363-A:1 and
19 RSA 363-A:2. The [~~public utilities commission~~] **department of energy** shall then make a list
20 showing the amount due on August 10, October 15, January 15, and April 15 of that fiscal year from
21 each of the several public utilities and other entities assessed under the provisions hereof, and,
22 together with a statement of the full name and mailing address of each such public utility and other
23 assessed entity, shall certify the same. After the close of each fiscal year, the [~~public utilities~~
24 ~~commission~~] **department of energy** shall ascertain [~~its~~] **the** actual total expenses in accordance
25 with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the assessment for the first quarterly
26 payment of the new fiscal year for each such public utility or other assessed entity for any
27 underpayment or overpayment by each such public utility or other assessed entity for the prior fiscal
28 year.

29 363-A:4 Collection. Upon the completion of each such list, on or before August 10, October 10,
30 January 10, and April 10 of each fiscal year, the [~~public utilities commission~~] **department of energy**
31 shall bill each public utility and each other entity subject to assessment for the quarterly amount
32 assessed against it within 10 working days. Such bill shall be sent registered mail, and shall
33 constitute notice of assessment and demand for payment. Payment shall be made to the [~~public~~
34 ~~utilities commission~~] **department of energy** within 30 days after the receipt of the bill. After the
35 expiration of 30 days from the receipt of an original bill, the [~~public utilities commission~~]
36 **department of energy** may add to the assessment a late penalty fee and may commence an action
37 at law for the recovery of the assessment. Within 30 days of the assessment for the first quarterly

1 payment, each public utility or other assessed entity which has any objection to the amount assessed
2 against it for the prior fiscal year shall file with the ~~[commission]~~ **department** its objection in
3 writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive,
4 erroneous, unlawful, or invalid. If such objections are filed, the ~~[commission]~~ **department**, after
5 reasonable notice to the objecting public utility or other assessed entity, shall hold a hearing on such
6 objections, and if the ~~[commission]~~ **department** finds that said assessment or any part thereof is
7 excessive, erroneous, unlawful, or invalid, the ~~[commission]~~ **department** shall reassess the amount
8 to be paid by such public utility or other assessed entity, and shall order that an amended bill be
9 sent to such public utility or other assessed entity in accordance with such reassessment. The
10 ~~[public utilities commission]~~ **department of energy** shall not commence an action at law for
11 recovery of any assessment for the first quarterly payment until any such objection has been
12 resolved.

13 236 Public Utility Recovery of Assessment Costs. Amend RSA 363-A:6, I to read as follows:

14 I. Assessment amounts determined with reference to the revenues of competitive electric
15 power suppliers and all assessments against regulated electric distribution utilities and electric
16 cooperatives for which a certificate of deregulation is on file with the ~~[commission]~~ **department**
17 shall be collected from electric customers through the distribution rates of the respective electric
18 distribution utility or rural electric cooperative for which a certificate of deregulation is on file with
19 the ~~[commission]~~ **department**; provided that an amount equal to the amount assessed directly to a
20 competitive electric power supplier under RSA 363-A:2, III shall be collected from the energy service
21 or default service customers of each electric distribution utility or rural electric cooperative for which
22 a certificate of deregulation is on file with the ~~[commission]~~ **department**.

23 237 Complaints to and Proceedings Before the Department of Energy and the Commission.
24 Amend the chapter title of RSA 365 to read as follows: Amend the chapter title of RSA 365 to read as
25 follows:

26 COMPLAINTS TO_[] **THE DEPARTMENT OF ENERGY**

27 AND PROCEEDINGS BEFORE_[] THE COMMISSION

28 238 Complaint Against Public Utilities. Amend RSA 365:1 to read as follows:

29 365:1 Complaint Against Public Utilities. Any person may make complaint to the ~~[commission]~~
30 **department of energy** by petition setting forth in writing any thing or act claimed to have been
31 done or to have been omitted by any public utility in violation of any provision of law, or of the terms
32 and conditions of its franchises or charter, or of any order of the commission.

33 239 Complaints to the Department of Energy and Proceedings Before the Commission. Amend
34 RSA 365:2 through RSA 365:7 to read as follows:

35 365:2 Order. Thereupon the ~~[commission]~~ **department of energy** shall cause a copy of said
36 complaint to be forwarded to the public utility complained of, which may be accompanied by an

1 order, requiring that the matters complained of be satisfied, or that the charges be answered in
2 writing within a time to be specified by the ~~[commission]~~ **department**.

3 365:3 Reparation. If the public utility complained of shall make reparation for any injury
4 alleged and shall cease to commit or to permit the violation of law, franchise, or order charged in the
5 complaint, and shall notify the ~~[commission]~~ **department of energy** of that fact before the time
6 allowed for answer, the ~~[commission]~~ **department** shall not be required to take any further action
7 upon the charges.

8 365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall
9 appear to the ~~[commission]~~ **department of energy** that there are reasonable grounds therefor, it
10 shall investigate the same in such manner and by such means as it shall deem proper~~[-and,-after~~
11 ~~notice and hearing, take such action within its powers as the facts justify]~~. **After investigation, the**
12 **department of energy may bring proceedings on its own motion before the public utilities**
13 **commission, with respect to any complaint or violation of any provision of law, rule, terms**
14 **and conditions of its franchises or charter, or any order of the commission.**

15 365:5 Independent Inquiry. The commission, on its own motion or upon petition of a public
16 utility, **and the department of energy** may investigate or make inquiry in a manner to be
17 determined by it as to any rate charged or proposed or as to any act or thing having been done, or
18 having been omitted or proposed by any public utility; and ~~[the commission or]~~ shall make such
19 inquiry in regard to any rate charged or proposed or to any act or thing having been done or having
20 been omitted or proposed by any such utility in violation of any provision of law or order of the
21 commission **or the department**.

22 365:6 Inspection. ~~[The]~~ **Both the commission and the department of energy** may at any time
23 personally, or by its experts or agents, inspect the property, works, system, plant, devices, appliances
24 and methods used by any public utility, or its books, papers and records.

25 365:7 Authority to Inspect. Any expert or agent of the **department of energy or the**
26 commission, who shall make a demand on behalf of the commission to be allowed to inspect as
27 provided in RSA 365:6, shall produce written authority to make such inspection signed by the
28 ~~[secretary or assistant secretary or some member]~~ **chairperson** of the commission **or the**
29 **commissioner of the department of energy**.

30 240 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, I(j) to read as
31 follows:

32 (j) Standards and procedures for determination and recovery of rate ~~[ease]~~ **proceedings**
33 expenses.

34 241 Proceedings Before the Public Utilities Commission. Amend RSA 365:8, II to read as
35 follows:

36 II. Where the commission has adopted rules in conformity with this section, ~~[complaints to~~
37 ~~and]~~ proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

1 242 Repeal. The following are repealed:

2 I. RSA 365:8, I(c), relative to certain rulemaking authority of the public utilities commission.

3 II. RSA 365:8-a, relative to suppliers of natural gas an aggregators of natural gas customers.

4 243 Complaints to Department of Energy and Public Utilities Commission; Expense of
5 Investigations; Rate Proceeding. Amend RSA 365:37 and 365:38 to read as follows:

6 365:37 Expense of Investigations.

7 I. Whenever any investigation **by the commission or the department of energy** shall be
8 necessary to enable the commission to pass upon any petition for authority to issue stocks, bonds,
9 notes, or other evidence of indebtedness, for authority to operate as a public utility or to expand
10 operations as a public utility, to make extensions into new territory, to discontinue service, to
11 condemn property for flowage rights and dam construction, or for authority to sell, consolidate,
12 merge, transfer, or lease the plant, works, or system of any public utility, or any part of the same, or
13 for any other matter which requires the [~~commission's~~] approval **of the commission or the**
14 **department of energy**, the petitioner shall pay to the [~~commission~~] **department of energy** the
15 expense involved in the investigation of the matters covered by said petition, including the amounts
16 expended for experts, accountants, or other assistants. Such expense shall not include any part of
17 the salaries or expenses of the commissioners or of employees of the commission or **department of**
18 **energy or**, unless the proceeding is being conducted pursuant to RSA 38, the fees of experts
19 testifying as to values in condemnation proceedings.

20 II. Whenever the commission institutes a proceeding, or when more than one utility subject
21 to the jurisdiction of the commission shall be involved in a proceeding in which the commission **or**
22 **the department of energy** requires the assistance of experts, accountants or other assistants,
23 regardless of whether they petitioned the commission in the first instance, the commission **and the**
24 **department of energy** may assess the costs of experts, accountants or other assistants hired by the
25 commission **or the department of energy** against the utilities and any other parties to the
26 proceeding. The commission **and the department of energy** shall not, however, assess any such
27 costs against the office of the consumer advocate or against any voluntary corporation, not-for-profit
28 organization, or any municipality unless the municipality is involved in a proceeding before the
29 commission pursuant to RSA 38. In the case of a utility, the assessment of those costs shall be based
30 on the annual revenues of the participating utilities in the same manner as issued in assessing the
31 annual operating expenses of the commission **and the department of energy**, or as appropriate
32 and equitable on a case by case basis. In the case of a party who is not a utility, the assessment of
33 those costs shall be as appropriate and equitable on a case by case basis. Such expenses shall not
34 include any part of the salaries or expenses of the commissioners or of employees of the commission
35 **or of employees of the department of energy** or, unless the proceeding is being conducted
36 pursuant to RSA 38, the fees of experts testifying as to values in condemnation proceedings.

1 III. For investigations or proceedings involving the acquisition, merger, transfer, sale, or
2 lease of the works or system of a public utility, the commission **and the department of energy**
3 shall not enter into a contract with experts, accountants, or other assistants in an amount greater
4 than [~~\$250,000~~] **\$10,000**, including any contract extension, without the approval of the governor and
5 council. For all other investigations or proceedings, the commission **and the department of energy**
6 shall not enter into a contract with experts, accountants, or other assistants in an amount greater
7 than [~~\$100,000~~] **\$10,000**, including any contract extension, without the approval of governor and
8 council.

9 365:38 Rate Proceeding. Whenever any investigation **or proceeding** shall be necessary to
10 enable the commission to pass upon the reasonableness of the rates or charges by a public utility, the
11 utility[~~, upon order of the commission,~~] shall pay to the [~~commission its~~] **department of energy the**
12 expenses involved in the investigation, including the amounts expended by it for attorneys, experts,
13 accountants, or other assistants, but not including any part of the salaries or expenses of the
14 commissioners or of employees of the commission **or department of energy**; provided, that the
15 amount charged to the utility [~~by the commission~~] in any such case shall not exceed 3/4 of one
16 percent of the existing valuation of the utility investigated, such expenses with 6 percent interest to
17 be charged by the utility to operating expenses and amortized over such period as the commission
18 shall deem proper and allowed for in the rates to be charged by the utility.

19 244 Complaints to Department of Energy and Public Utilities Commission; Penalty Against
20 Utility. Amend RSA 365:41 to read as follows:

21 365:41 Penalty Against Utility. Any public utility which shall violate any provisions of this title,
22 or fails, omits or neglects to obey, observe or comply with any order, direction or requirement of the
23 commission **or the department of energy**, shall be subject to a civil penalty, as determined by the
24 commission, not to exceed \$250,000 or 2.5 percent of the annual gross revenue that the utility
25 received from sales in the state, whichever is lower. Such penalties shall be applied to the benefit of
26 the utility's ratepayers through a credit to bills, or, if the credit is of an amount determined by the
27 commission to be insignificant on a per customer basis, to programs that benefit low income
28 ratepayers. No portion of any fine, nor any costs associated with an administrative or court
29 proceeding which results in a fine pursuant to this section, shall be considered by the commission in
30 fixing any temporary, permanent, or emergency rates or charges of such utility.

31 245 Affiliates of Public Utilities; Department of Energy. Amend RSA 366:2 through 366:9 to
32 read as follows:

33 366:2 Sale of Securities to or by Employees. No public utility shall, without the approval of the
34 [~~commission~~] **department of energy**, permit any employee to sell, offer for sale, or solicit the
35 purchase of any security issued by an affiliate during such hours as such employee is engaged to
36 perform any duty of such public utility; nor shall any public utility by any means or device
37 whatsoever require any employee to purchase or contract to purchase any of its securities or those of

1 any other person or corporation; nor shall any public utility require any employee to permit the
2 deduction from his wages or salary of any sum as a payment or to be applied as a payment on any
3 purchase or contract to purchase any security of such public utility or of any other person.

4 366:3 Filing of Contracts. The original or a verified copy of any contract or arrangement and of
5 any modification thereof or a verified summary of any unwritten contract or arrangement, the
6 consideration of which exceeds \$500, hereafter entered into between a public utility and an affiliate
7 providing for the furnishing of managerial, supervisory, construction, engineering, accounting,
8 purchasing, financial, or any other services either to or by a public utility or an affiliate shall be filed
9 by the public utility with the ~~[commission]~~ **department of energy** within 10 days after the date on
10 which the contract is executed or the arrangement entered into. The ~~[commission]~~ **department** may
11 also require a public utility to file in such form as the ~~[commission]~~ **department** may require full
12 information with respect to any purchase from or sale to an affiliate, whether or not made in
13 pursuance of a continuing contract or arrangement.

14 366:4 Failure to File. Any contract or arrangement not filed with the ~~[commission]~~ **department**
15 **of energy** pursuant to RSA 366:3 shall be unenforceable in any court in this state and payments
16 thereunder may be disallowed by the ~~[commission]~~ **department** unless the later filing thereof is
17 approved in writing by the ~~[commission]~~ **department**. ***The commission shall disallow payment***
18 ***if recommended by the department.***

19 366:5 Investigation and Proof. The ~~[commission]~~ **department of energy** shall have full power
20 and authority to investigate any such contract, arrangement, purchase, or sale and ~~[, if]~~ **initiate a**
21 ***proceeding related thereto before the commission.*** ***If*** the commission after notice and hearing
22 shall find any such contract, arrangement, purchase, or sale to be unjust or unreasonable, the
23 commission may make such reasonable order relating thereto as the public good requires. In any
24 such investigation, the burden shall be on the public utility and affiliate to prove the reasonableness
25 of any such contract, arrangement, purchase, or sale with, from, or to an affiliate. If the public
26 utility shall fail to satisfy the commission of the reasonableness of any such contract, arrangement,
27 purchase, or sale, the commission may disapprove the same and disallow payments thereunder or
28 such part of any such payment as the commission shall find to be unjust or unreasonable. No
29 payment disallowed by the commission shall be capitalized or included as an operating cost of the
30 public utility in the fixing of rates or as an asset in fixing a rate base. If in any such investigation
31 the public utility or affiliate shall unreasonably refuse to comply with any request of the commission
32 ***or the department*** for information with respect to relevant accounts and records, whether of such
33 public utility or any affiliate, any portion of which may be applicable to any transaction under
34 investigation, so that such parts thereof as the commission ***or the department*** may deem material
35 may be made part of the record, such refusal shall justify the commission in disapproving the
36 transaction under investigation and disallowing payments in pursuance thereof.

1 366:6 Summary Order in Certain Cases. If as a result of an investigation *or proceeding* in
2 accordance with RSA 366:5 the commission shall find that any public utility is making any payment
3 or about to make any payment or doing or about to do any other thing which substantially threatens
4 or impairs the ability of the public utility to render adequate service at reasonable rates or otherwise
5 to discharge its duty to the public, the commission may apply to the superior court for an order
6 directing the public utility to cease making any such payment or doing such other thing; and,
7 thereupon, the court shall make such order as the public good may require.

8 366:7 Disallowance of Charges Under Existing Contracts. In any proceeding whether upon the
9 *department's initiation or* commission's own motion or upon complaint involving the rates or
10 practices of any public utility, the commission may disallow the inclusion in the accounts of a public
11 utility of any payments or compensation to an affiliate for any services rendered, or property
12 furnished, under existing contracts or arrangements with an affiliate unless such public utility shall
13 establish the reasonableness of such payment or compensation.

14 366:8 Annual Reports. Every public utility annually reporting to the commission *or*
15 *department of energy* under RSA 374 shall also annually report the name and address of, and the
16 number of shares held by, its officers and directors and each holder of one percent or more of the
17 voting capital stock of the reporting public utility according to its records.

18 366:9 Information Concerning Control. The commission *or department of energy* may also
19 require such other information as to the direct or indirect control of a public utility or affiliate from a
20 public utility, affiliate, or other person as may be reasonably required for the effective enforcement of
21 this chapter.

22 246 References Change; Service Equipment of Public Utilities; Department of Energy. Amend
23 the following RSA provisions by replacing "commission" with "department of energy": 370:2, 370:8,
24 370:9.

25 247 Service Equipment of Public Utilities; Units of Service. Amend RSA 370:1 to read as
26 follows:

27 370:1 Units of Service. The [~~public utilities commission~~] *department of energy* may ascertain,
28 determine and fix, for each kind of public utility, suitable and convenient standard commercial units
29 of service, product or commodity, which units shall be lawful units for the purposes of this chapter.

30 248 Service Equipment of Public Utilities; Department of Energy. Amend RSA 370:3 through
31 370:7 to read as follows:

32 370:3 Meters. The [~~commission~~] *department of energy* may ascertain, determine and fix
33 reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and
34 appliances for measurement, and every public utility is required to carry into effect all orders issued
35 by the [~~commission~~] *department* relative thereto.

36 370:4 Service Inspections. The [~~commission~~] *department of energy* may provide for the
37 inspection of the manner in which every public utility conforms to the reasonable regulations

1 prescribed by the [~~commission~~] **department** for examination and testing of its service, product or
2 commodity, and for the measurement thereof, and may supplement such inspections by
3 examinations and testing.

4 370:5 Inspection of Meters. The [~~commission~~] **department of energy** may provide for the
5 inspection of the manner in which every public utility has carried into effect the reasonable rules,
6 regulations, specifications and standards fixed by [~~orders of the commission~~] **rules adopted by the**
7 **department** relative thereto, and may examine and test any meters and appliances for
8 measurements under such reasonable rules and regulations as it may prescribe.

9 370:6 Testing Appliances. The [~~commission~~] **department** may provide for the examination and
10 testing of any appliances used for the measuring of any service, product or commodity of a public
11 utility.

12 370:7 At Consumer's Request. Any consumer or user may have any such appliance tested by the
13 [~~commission~~] **department of energy**. The [~~commission~~] **department** may declare and establish
14 reasonable fees to be paid for examining and testing such appliances on the request of consumers or
15 users, the fee to be paid by the consumer or user at the time of his request; but, if the measuring
16 appliance be found unreasonably defective or incorrect to the disadvantage of the consumer or user,
17 the [~~commission~~] **department** shall repay such fee to the consumer or user and collect the same
18 from the public utility.

19 249 Rights in Public Waters and Lands; License by Notification of New Attachments on Existing
20 Utility Poles. Amend RSA 371:17-a to read as follows:

21 371:17-a License by Notification of New Attachments on Existing Utility Poles. Whenever it is
22 necessary, in order to meet the reasonable requirements of service to the public, that any public
23 utility other than electric or gas should construct a cable, conduit, or wires and fixtures upon an
24 existing line of poles or towers over, under, or across any of the public waters of this state, or over,
25 under, or across any of the land owned by this state, the public utility shall file written notification
26 with the [~~commission~~] **department of energy** for a license to construct and maintain such cable,
27 conduit, or wires and fixtures. In this section, "public waters" means all ponds of more than 10
28 acres, tidewater bodies, and such streams or portions thereof as the commission may prescribe.
29 Every corporation and individual desiring to cross any public waters or land for the purposes of this
30 section shall file written notification in the same manner prescribed for a public utility. The
31 notification shall include a description of the specific geographic and pole locations of the crossing
32 and verification that there is a valid pole attachment license or that an application for a pole
33 attachment license has been submitted to the utility or utilities that own such poles or towers. The
34 notification shall include an affidavit signed by the responsible officer confirming that the crossing
35 shall be completed in compliance with such pole attachment license and the National Electrical
36 Safety Code. Upon receipt of such notification, no further inquiries or investigations by the
37 [~~commission~~] **department of energy** shall be required in granting the requested license.

1 374:5 Additions and Improvements. For the purpose of enabling the commission *and the*
2 *department of energy* to perform [its] *their* duty to keep informed as provided in RSA 374:4, every
3 public utility, before making any addition, extension, or capital improvement to its fixed property in
4 this state, except under emergency conditions, shall report to the commission *and the department*
5 *of energy* the probable cost of such addition, extension, or capital improvement whenever the
6 probable cost thereof exceeds a reasonable amount to be prescribed by general or special order of the
7 commission. For this purpose, the commission may classify public utilities according to the amount
8 of their respective fixed capital accounts, and prescribe a reasonable limitation for each such
9 classification. In no case shall the minimum amount prescribed be less than 1/4 of one percent of
10 such fixed capital account as of December 31 of the preceding year, or \$10,000, whichever is the
11 smaller amount. Reports shall be filed in writing [~~with the commission~~] within such reasonable time
12 as may be prescribed by the commission before starting actual construction on any addition,
13 extension, or improvement. The commission shall have discretion to exclude the cost of any such
14 addition, extension, or capital improvement from the rate base of said utility where such written
15 report thereof shall not have been filed in advance as herein provided.

16 374:5-a Power to Hire Consultants Firm. The commission *and the department of energy* may
17 utilize and employ a consultant firm to provide it with technical assistance in evaluating cost factors
18 relating to the effective use of substantial investments of utilities regulated by the commission.

19 256 Investigation of Other Utilities; Orders; Violation. Amend RSA 374:7-374:7-a to read as
20 follows:

21 374:7 Investigation of Other Utilities; Orders. The commission *and the department of energy*
22 shall have power to investigate and ascertain, from time to time, the quality of gas supplied by
23 public utilities and the methods employed by public utilities in manufacturing, transmitting or
24 supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph
25 messages, or supplying water, and, after notice and hearing thereon, shall have power to order all
26 reasonable and just improvements and extensions in service or methods.

27 374:7-a Violation.

28 I. Any person who knowingly or willfully violates any provision of RSA 370:2 or any
29 standards or rules adopted under it by the public utilities commission *or the department of*
30 *energy*, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas
31 Pipeline Safety Act, shall be subject to a civil penalty not to exceed the maximum civil penalty under
32 49 U.S.C. section 60122(a), as amended.

33 II. Any person who otherwise violates any provision of RSA 370:2 or any standards or rules
34 adopted under it by the public utilities commission *or the department of energy*, relative to gas
35 pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act,
36 shall be subject to a civil penalty not to exceed the maximum civil penalty under 49 U.S.C. section
37 60122(a), as amended.

1 III. *The department of energy shall assess and enforce civil penalties related to this*
2 *section.* Any civil penalty assessed under this section may be [~~compromised~~] *appealed to the*
3 *public utilities commission, and the commission may uphold, reverse, or compromise such*
4 *civil penalty* [~~by the public utilities commission~~]. In determining the amount of the penalty, *the*
5 *outcome of an appeal*, or the amount agreed upon in compromise, the appropriateness of the
6 penalty to the size of the business of the person charged, the gravity of the violation, the good faith of
7 the person charged in attempting to achieve compliance, after notification of a violation, the degree
8 of culpability of the person, the history of prior violations, the effect of the penalty on the person, and
9 any other identifiable factor related to the circumstances of the person and the nature and
10 circumstances of the violation, shall be considered. The amount of the penalty, when finally
11 determined, or the amount agreed upon in compromise, may be deducted from any sums owing by
12 the state to the person charged or may be recovered in a civil action in the state courts.

13 257 Public Utilities; Reports; Filing. Amend RSA 374:15 to read as follows:

14 374:15 Filing. Every public utility shall file with the commission *and the department of*
15 *energy* reports at such times, verified by oath in such manner, and setting forth such statistics and
16 facts, as may be required by the commission *or the department of energy*.

17 258 Public Utilities; Reports. Amend RSA 374:17-374:19 to read as follows:

18 374:17 Neglect to Report. If any public utility shall neglect or refuse to make and file any report
19 within a time specified by the commission *or the department of energy*, or shall neglect or refuse
20 to make specific answer to any question lawfully asked by the commission *or the department of*
21 *energy*, it shall forfeit to the state the sum of \$100 for each day it shall continue to be in default with
22 respect to such report or answer, unless it shall be excused [~~by the commission~~] from making such
23 report or answer, or unless the time for making the same shall be extended [~~by the commission~~].

24 374:18 Production of Books, Etc. The commission, by order, *or the department of energy*, may
25 require any public utility to produce within the state, at such time and place as it may designate,
26 any accounts, records, memoranda, books, or papers kept in any office or place without the state, or
27 verified copies thereof, in order that an examination thereof may be made by the commission or
28 under its direction.

29 374:19 False Statements, Etc. No public utility shall willfully make any false statement or false
30 entry in any report to the commission *or the department of energy*, or in any answer to any
31 question lawfully asked by the commission *or the department of energy*.

32 259 Service Territories; Department of Energy Jurisdiction. Amend RSA 374:22-e to read as
33 follows:

34 374:22-e Service Territories; [~~Commission~~] *Department of Energy* Jurisdiction.

35 I. If 2 or more telephone utilities find that they provide the same service in the same area or
36 that existing maps create overlapping service territories, the [~~commission~~] *department of energy*,
37 upon application by one or both of the affected utilities, shall define, alter, or establish service

1 territories. In establishing or altering service territories, the ~~[commission]~~ **department of energy**
2 shall consider the following:

3 (a) Existing service areas;

4 (b) Any voluntary agreements between or among 2 or more such telephone utilities
5 which define the service territories of those utilities;

6 (c) Consistency with the orderly development of the region;

7 (d) Natural geographical boundaries;

8 (e) Compatibility with the interests of all consumers; and

9 (f) All other relevant factors.

10 II. The ~~[commission]~~ **department of energy** shall have power to exercise the jurisdiction
11 conferred in this section only after due notice to all interested parties and hearing. After
12 consideration of the factors established by paragraph I of this section, and after making findings that
13 the service territories established or altered are consistent with the public good, the ~~[commission]~~
14 **department of energy** shall establish the service territory of each telephone utility. The service
15 territory thus established shall be sufficiently definite and precise so that its boundaries may be
16 accurately determined.

17 260 Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g to read as
18 follows:

19 374:22-g Service Territories Served by Certain Telephone Utilities.

20 I. To the extent consistent with federal law and notwithstanding any other provision of law
21 to the contrary, all telephone franchise areas served by a telephone utility that provides local
22 exchange service, subject to the jurisdiction of the ~~[commission]~~ **department of energy**, shall be
23 nonexclusive. The ~~[commission]~~ **department of energy**, upon petition or on its own motion, shall
24 have the authority to authorize the providing of telecommunications services, including local
25 exchange services, and any other telecommunications services, by more than one provider, in any
26 service territory, when the ~~[commission]~~ **department of energy** finds and determines that it is
27 consistent with the public good unless prohibited by federal law.

28 II. In determining the public good, the commission shall consider the interests of
29 competition with other factors including, but not limited to, fairness; economic efficiency; universal
30 service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable
31 return on its investment; and the recovery from competitive providers of expenses incurred by the
32 incumbent utility to benefit competitive providers, taking into account the proportionate benefit or
33 savings, if any, derived by the incumbent as a result of incurring such expenses.

34 III. The **department of energy** shall adopt rules, pursuant to RSA 541-A, relative to the
35 enforcement of this section.

36 261 Shared Tenant Services Authorized; Limited Regulation; Rulemaking. Amend RSA 374:22-l
37 and m to read as follows:

1 374:22-1 Shared Tenant Services Authorized; Limited Regulation.

2 I. The ~~[public utilities commission]~~ **department of energy** shall authorize the provision of
3 shared tenant services by providers meeting the minimum requirements established by the
4 ~~[commission]~~ **department of energy** to operate shared tenant services networks.

5 II. Providers of shared tenant services shall be subject to the following limited regulation by
6 the ~~[commission]~~ **department of energy**:

7 (a) Providers of shared tenant services shall disclose to tenants and prospective tenants
8 all pricing information relative to their services in the manner prescribed by the ~~[commission]~~
9 **department of energy**.

10 (b) Providers of shared tenant services shall disclose to tenants and prospective tenants
11 that they can at their option obtain basic exchange and other service from an authorized local
12 telephone utility rather than from the shared tenant services provider.

13 (c) Without penalty and in accordance with the rules of the ~~[commission]~~ **department of**
14 **energy**, telephone number retention and access to telecommunications services shall be permitted by
15 providers of shared tenant services and authorized local telephone utilities into and out of shared
16 tenant services properties.

17 (d) The ~~[commission]~~ **department of energy** shall have jurisdiction to hear matters
18 pertaining to the unauthorized provision of shared tenant services, violations of ~~[commission]~~
19 **department** rules relating to shared tenant services, and customer complaints against shared
20 tenant services providers.

21 374:22-m Rulemaking. The ~~[public utilities commission]~~ **department of energy** shall adopt
22 rules, pursuant to RSA 541-A, relative to:

23 I. Minimum requirements for shared tenant services, including disclosure of available
24 options and terms and prices of shared tenant services.

25 II. Customer access to services of authorized local telephone utilities.

26 III. Telephone number retention and recovery of costs, if any, associated with number
27 retention.

28 IV. The charges a local telephone utility establishes for a shared tenant services provider to
29 purchase services for use by the provider's tenants.

30 V. Procedures for complaints to the ~~[commission]~~ **department** regarding shared tenant
31 services.

32 262 Regulation of Competitive Telecommunications Providers Limited; Affordable Telephone
33 Service; Public Interest Payphones. Amend RSA 374:22-o-374:22-q to read as follows:

34 374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or
35 business entity authorized by the ~~[commission]~~ **department of energy** to engage in business as a
36 competitive local exchange carrier and any competitive toll provider having less than a 10 percent
37 share of toll revenue in New Hampshire shall not be required to seek prior ~~[commission]~~

1 **department** approval of financings or corporate organizational changes, including, without
2 limitation, mergers, acquisitions, corporate restructurings, issuance or transfer of securities, or the
3 sale, lease, or other transfer of assets or control. Nothing in this section shall exempt any such
4 competitive telecommunications service provider from such advance notice as the [~~commission~~]
5 **department** may prescribe or from the requirements of RSA 374:28-a or RSA 378:46.

6 374:22-p Affordable Telephone Service; Rulemaking; Standards.

7 I.(a) For the purposes of this section, "Federal Telecommunications Act" means the federal
8 Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56.

9 (b) For purposes of this section "basic service" means:

- 10 (1) Safe and reliable single-party, single line voice service;
- 11 (2) The ability to receive all noncollect calls, at telephone lines capable of receiving
12 calls, without additional charge;
- 13 (3) The ability to complete calls to any other telephone line, which is capable of
14 receiving calls, in the state;
- 15 (4) The opportunity to presubscribe to interLATA toll carriers;
- 16 (5) The opportunity to presubscribe to intraLATA toll carriers;
- 17 (6) Dialing parity;
- 18 (7) Number portability;
- 19 (8) Enhanced 911, pursuant to the requirements of the department of safety, bureau
20 of emergency communications, or its successor agency;
- 21 (9) Access to statewide directory assistance;
- 22 (10) Telecommunications relay service (TRS);
- 23 (11) A published directory listing, at the customer's election;
- 24 (12) A caller identification blocking option, on a per-call basis;
- 25 (13) A caller identification line blocking option that is available to all customers
26 without a recurring charge and is provided upon customer request without charge to customers who
27 have elected nonpublished telephone numbers and is available without a nonrecurring charge to
28 customers who certify that caller identification threatens their health or safety and is available
29 without a nonrecurring charge when requested with installation of basic service;
- 30 (14) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 area
31 code calls;
- 32 (15) The ability to report service problems to the customer's basic service provider on
33 a 24-hour basis, 7 days a week; and
- 34 (16) Automatic Number Identification (ANI) to other carriers which accurately
35 identifies the telephone number of the calling party.

1 (c) Any combination of basic service along with any other service or feature offered by
2 the telecommunications service provider is nonbasic service and shall not be regulated by the
3 commission.

4 (d) Any telecommunications service provider which is not an incumbent local exchange
5 carrier shall not be required to provide basic service.

6 II. Subject to RSA 362:6, the ~~[commission]~~ **department of energy** shall require every
7 provider of intrastate telephone service to participate in outreach programs designed to increase the
8 number of low-income telephone customers on the network through increased participation in any
9 universal service program approved by the ~~[commission]~~ **department** and statutorily established by
10 the legislature. Statewide outreach programs shall continue until further order of the ~~[commission]~~
11 **department**.

12 III. The ~~[commission]~~ **department of energy** shall seek to ensure that affordable basic
13 telephone services are available to consumers throughout all areas of the state at reasonably
14 comparable rates.

15 IV.(a) The ~~[commission]~~ **department of energy** shall ~~[develop—draft]~~ **maintain and**
16 **update** rules to implement this section and shall, after the statutory establishment of a universal
17 service fund, require every provider of intrastate telephone services to contribute to a state universal
18 service fund to support programs consistent with the goals of applicable provisions of this title and
19 the Federal Telecommunications Act.

20 (b) If the ~~[commission]~~ **department of energy**, upon statutory establishment of a
21 universal service program, establishes a state universal service fund pursuant to this section, the
22 ~~[commission]~~ **department** shall contract with an appropriate independent fiscal agent that is not a
23 state entity to serve as administrator of the state universal service fund. Program administration
24 shall be designed in the most cost-effective manner possible. Funds contributed to a state universal
25 service fund are not state funds and therefore are not subject to provisions of law relating to the
26 general fund. Rules and any state universal service fund requirements established by legislative
27 enactment and by the ~~[commission]~~ **department** pursuant to this section shall:

28 (1) Be reasonably designed to maximize federal assistance available to the state for
29 universal service purposes.

30 (2) Meet the state's obligations under the Federal Telecommunications Act.

31 (3) Be consistent with the goals of the Federal Telecommunications Act.

32 (4) Ensure that any requirements regarding contributions to a state universal
33 service fund be nondiscriminatory and competitively neutral.

34 (5) Require explicit identification on customer's bills of contributions to and in the
35 event of fund termination, refunds from, any state universal service fund established pursuant to the
36 section.

1 (6) Allow consideration in appropriate rulemaking proceedings of contributions to
2 and in the event of fund termination, refunds from, any state universal service fund established
3 pursuant to this section.

4 (c) For purposes of this section, "providers of intrastate telephone services" includes
5 providers of radio paging service and, subject to the provisions of the Federal Communications Act as
6 amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

7 (d) Prior to requiring that providers of intrastate telephone service contribute to a state
8 universal service fund and prior to statutory establishment of a universal service fund, the
9 ~~[commission]~~ **department of energy** shall report to the general court its determination of the
10 expected program costs, the amount and type of the funding mechanism, the number of people
11 proposed to be served, the level of proposed service, and the administrative design of the proposed
12 fund.

13 V. The ~~[commission]~~ **department of energy**, annually, shall assess the penetration rate of
14 basic telephone services. If this penetration rate ever falls below the national average penetration
15 rate, the ~~[commission]~~ **department** shall commence an investigation and take steps to enhance
16 telephone market penetration. The ~~[commission]~~ **department**, annually, shall assess the success of
17 any action taken by the ~~[commission]~~ **department** to achieve the purpose of this section. The public
18 policy goal should be to raise the low income penetration level as close as reasonably possible to the
19 statewide average.

20 VI, VII. [Repealed.]

21 VIII. Notwithstanding the provisions of RSA 374:1-a:

22 (a) Incumbent local exchange carriers, whether qualified as an excepted local exchange
23 carrier or otherwise, may not discontinue residential basic service, regardless of technology used, in
24 any portion of their franchise area unless the ~~[commission]~~ **department of energy** determines that
25 the public good will not be adversely affected by such withdrawal of service;

26 (b) Rates for basic service of incumbent local exchange carriers which qualify as
27 excepted local exchange carriers may not increase by more than 5 percent for Lifeline Telephone
28 Assistance customers and by more than 10 percent for all other basic service customers in each of
29 the 8 years after the effective date of this paragraph or the effective date of an existing alternative
30 plan of regulation, except for additional rate adjustments, with ~~[public utilities commission]~~
31 **department of energy** review and approval, to reflect changes in federal, state, or local government
32 taxes, mandates, rules, regulations, or statutes; and

33 (c) Incumbent local exchange carriers which qualify as excepted local exchange carriers
34 shall report the rates for basic service to the ~~[commission]~~ **department of energy** within 60 days of
35 the effective date of this paragraph and upon any changes to the rates.

36 374:22-q Public Interest Payphones.

1 I. There is hereby established a public interest payphone fund into which shall only be
2 deposited moneys received pursuant to RSA 471-C:8, IV and this paragraph. The state treasurer
3 may invest moneys in the fund as provided by law, with interest received on such investment
4 credited to the fund. Moneys in the fund shall be nonlapsing and continually appropriated to the
5 ~~[commission]~~ **department of energy** to be used only to fund the maintenance of public interest
6 payphones. At the end of each biennium, any moneys in excess of \$30,000 shall be transferred to the
7 general fund.

8 II. "Public interest payphone" means a payphone or payphone site which the ~~[commission]~~
9 **department of energy** has determined to be necessary in the interest of public health, safety, or
10 welfare, where there would otherwise not be a payphone, in accordance with 47 U.S.C. section
11 276(b)(2). The owner or person in control of the payphone site may object in writing to the
12 ~~[commission]~~ **department** to the designation of the public interest payphone. The ~~[commission]~~
13 **department** shall not designate a payphone or payphone site as a public interest payphone if such
14 objection is received by the ~~[commission]~~ **department** prior to designation; if the objection is
15 received after designation, the ~~[commission]~~ **department** shall remove the designation immediately
16 upon receipt of the objection. The ~~[commission]~~ **department** shall make payment of fair
17 compensation from the fund to providers of payphones that have been designated by the
18 ~~[commission]~~ **department** as public interest payphones, where such providers are required by the
19 ~~[commission]~~ **department** to maintain the payphones. No other state or state associated funds shall
20 be used to maintain public interest payphones other than those contained in the fund, without
21 further authorization from the legislature.

22 III. Any public utility or non-utility pay telephone services provider that operates any plant
23 or equipment or any part of same for the conveyance of telephone or telegraph messages that elects
24 to remove the last pay telephone at a site shall provide prior written notice to the ~~[commission]~~
25 **department of energy**, to the owner of the property where the payphone is located, and to the
26 public of the intended removal of the payphone. The provider shall notify the ~~[commission]~~
27 **department** and the owner at least 60 days prior to removal. Posting notice on the payphone at
28 least 30 days prior to removal shall constitute adequate public notice. The notice shall include
29 notification that any person may file a petition with the ~~[commission]~~ **department** to designate the
30 payphone as a public interest payphone. Once a payphone or payphone site has been designated as a
31 public interest payphone, the payphone may not be removed unless the ~~[commission]~~ **department**
32 removes the public interest payphone designation. The ~~[commission]~~ **department** shall adopt rules,
33 pursuant to RSA 541-A, to implement this subdivision.

34 263 Pole Attachments. Amend RSA 374:34-a to read as follows:

35 374:34-a Pole Attachments.

36 I. In this subdivision, a "pole" means any pole, duct, conduit, or right-of-way that is used for
37 wire communications or electricity distribution and is owned in whole or in part by a public utility,

1 including a rural electric cooperative for which a certificate of deregulation is on file with the
2 commission pursuant to RSA 301:57.

3 II. Whenever a pole owner is unable to reach agreement with a party seeking pole
4 attachments, the commission shall regulate and enforce rates, charges, terms, and conditions for
5 such pole attachments, with regard to the types of attachments regulated under 47 U.S.C. section
6 224, to provide that such rates, charges, terms, and conditions are just and reasonable. This
7 authority shall include but not be limited to the state regulatory authority referenced in 47 U.S.C.
8 section 224(c).

9 III. The ~~commission~~ **department of energy** shall adopt rules under RSA 541-A to carry
10 out the provisions of this section, including appropriate formula or formulae for apportioning costs.

11 IV. In exercising its authority under this subdivision, the ~~commission~~ **department of**
12 **energy** shall consider the interests of the subscribers and users of the services offered via such
13 attachments, as well as the interests of the consumers of any pole owner providing such
14 attachments.

15 V. Nothing in this subdivision shall prevent parties from entering into pole attachment
16 agreements voluntarily, without commission approval.

17 VI. Any pole owner shall provide nondiscriminatory access to its poles for the types of
18 attachments regulated under this subdivision. A pole owner may deny access to its poles on a
19 nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and
20 generally applicable engineering purposes.

21 VII. The commission shall have the authority to hear and resolve complaints concerning
22 rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole
23 attachments.

24 VIII. The ~~commission~~ **department of energy** shall retain its authority to regulate the
25 safety, vegetation management, emergency response, and storm restoration requirements for poles,
26 conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of public
27 utilities and other private entities located within public rights-of-way and on, over, or under state
28 lands and water bodies.

29 264 Investigations; Orders. Amend RSA 374:36 to read as follows:

30 374:36 Investigations; Orders. The commission **and the department of energy** may, of ~~its~~
31 **their** own motion or on application of any person, investigate or make inquiry, in a manner to be
32 determined by ~~it~~ **them**, as to the existence of an available market at fair rates within the state;
33 and, if ~~it~~ **the commission** shall find that such a market does not exist within a reasonable distance
34 of the power development, it may make an order granting such permission and may impose the
35 condition that consumers within the state shall be furnished service by said corporation upon terms
36 as favorable as shall be granted to consumers outside the state, having due regard to all facts and
37 conditions which may affect the subject; provided, that nothing in this section shall apply to

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1 corporations engaged in the business of transmitting such electrical energy to any place outside the
2 state on May 15, 1911; but any addition to such energy generated from any water-power, except such
3 as it was using in connection with such business on that date, shall come under the provisions of this
4 section; provided, further, that the provisions of this section shall not prevent any railroad doing
5 business in this state from transmitting electrical energy beyond the confines of the state for the
6 purpose of operating its road between and some point in this state and any point outside the state.

7 265 Investigation of Accidents. Amend RSA 374:37-374:40 to read as follows:

8 374:37 By ~~[Commission]~~ **Department**. The ~~[commission]~~ **department of energy** shall
9 investigate the causes of all accidents in connection with the operation of public utilities in the state,
10 which, in the opinion of the commission **or the department of energy**, ought to be investigated.

11 374:38 Manner. Any such investigation may be made by the ~~[full commission]~~ **department of**
12 **energy** ~~[, or by a single commissioner, or by an agent of the commission,]~~ in such manner as the
13 ~~[commission]~~ **department of energy** may determine.

14 374:39 Reports. Every public utility shall report to the **department of energy and the**
15 commission accidents occurring in connection with the operation of its business wherein loss of life
16 occurs or any person is injured, or of such a nature as to endanger the safety, health or property of
17 its consumers or the public, as and whenever directed by such rules and regulations as the
18 **department of energy and the** commission may prescribe.

19 374:40 Publicity. Reports of accidents filed under RSA 374:39 shall not be made public
20 otherwise than in the published reports of the commission **or the department of energy**.

21 266 New Paragraph; Definitions. Amend RSA 374:48 by inserting after paragraph II the
22 following new paragraph:

23 II-a. "Department" means the department of energy.

24 267 Rulemaking. Amend the introductory paragraph of RSA 374:50 to read as follows:

25 The ~~[commission]~~ **department** shall adopt rules, pursuant to RSA 541-A, relative to:

26 268 Civil Penalty. Amend RSA 374:55 to read as follows

27 374:55 Civil Penalty.

28 I. Proof that an excavation has been made without compliance with the notice requirement
29 of RSA 374:51 and that damage to an underground facility has occurred shall be prima facie
30 evidence in any court or administrative proceeding that the damage was caused by the negligence of
31 the excavator.

32 II. Any excavator who does not give notice of or identify the proposed excavation area as
33 required by RSA 374:51 or rules of the ~~[commission]~~ **department** regarding tolerance zones and
34 marking procedures shall be subject to the penalties in paragraph VIII, in addition to any liability
35 for the actual damages.

1 III. Any operator which does not mark the location of its underground facilities as required
2 by RSA 374:53 or rules of the ~~[commission]~~ **department** regarding tolerance zones and marking
3 procedures shall be subject to the penalties in paragraph VIII.

4 IV. If underground facilities are damaged because an operator does not mark its
5 underground facilities as required by RSA 374:53, the operator shall be subject to the penalties in
6 paragraph VIII, liable for damages sustained to its facilities and, in addition, shall be liable for any
7 damages incurred by the excavator as a result of the operator's failure to mark such facilities.

8 V. If marked underground facilities are damaged, the excavator shall be subject to the
9 penalties in paragraph VIII and liable for the cost of repairs for the damage.

10 VI. Any excavator who damages an underground facility and fails to notify the operator, or
11 backfills the excavation without receiving permission, as required by RSA 374:54, shall be subject to
12 the penalties in paragraph VIII.

13 VII. The ~~[commission]~~ **department** or any ~~[commission]~~ **department** employee, involved in
14 an underground facility damage prevention program approved by the ~~[commission]~~ **department** and
15 designated by the ~~[commission]~~ **department**, may enforce violations of this subdivision. Any
16 excavator or operator that violates this subdivision shall be subject to the penalties in paragraph
17 VIII. In addition, the ~~[commission]~~ **department** may assess the excavator for expenditures made to
18 collect the civil penalty. Any excavator or operator which suffers damage resulting from violation of
19 this subdivision may petition the ~~[commission]~~ **department** to initiate an enforcement action.

20 VIII. Any excavator or operator that does not comply with RSA 374:51 through 374:54 shall
21 be required either to complete an underground facility damage prevention program approved by the
22 ~~[commission]~~ **department**, or to pay a civil penalty of up to \$500. The civil penalty may be up to
23 \$5,000 if the excavator or operator previously violated RSA 374:51 through 374:54 within the prior
24 12 months or if the violation results in bodily injury or property damages exceeding \$50,000,
25 excluding utility costs. This paragraph shall not apply to a homeowner excavating on his or her own
26 property or to a legal occupant of residential property excavating on the property of his or her
27 primary residence with the permission of the owner.

28 269 Telephone Number Conservation and Area Code Implementation Policy Principles. Amend
29 RSA 374:59 to read as follows:

30 374:59 Telephone Number Conservation and Area Code Implementation Policy Principles.

31 I. In this section:

32 (a) ~~["Commission"]~~ "**Department**" means the ~~[public utilities commission]~~ **department**
33 **of energy**.

34 (b) "Geographic split" means the division of an area code into typically 2 areas each
35 served by its own area code.

36 (c) "Overlay" means the addition of a new area code serving the same geographic area as
37 the existing area code.

1 II. The [~~commission~~] **department** should promote and adopt telephone number conservation
2 measures to the maximum extent allowed by federal law for area code 603 and any subsequently
3 assigned New Hampshire area codes.

4 III. The [~~commission~~] **department** should adopt measures, to the maximum extent
5 allowable by federal law and availability of technology, to provide that all customers of all suppliers
6 have equitable access to all currently available unassigned telephone numbers and equitable access
7 to numbers that have not been assigned to a customer which are available for porting to a second
8 supplier. Blocks of telephone numbers that are currently assigned but may be retrievable if
9 thousands number block pooling becomes available should be assigned on an equitable basis to all
10 suppliers.

11 IV. The [~~commission~~] **department** should adopt measures, to the maximum extent
12 allowable by federal law and availability of technology, to provide for local number portability by all
13 suppliers of local exchange service.

14 V. To the extent that any one competitor is responsible for managing a pool of numbers
15 which is to be assigned to customers of that competitor and other competitors, the [~~commission~~]
16 **department** should adopt policies to require that the assignment and management of the numbers
17 be kept segregated from the marketing portion of that competitor.

18 VI. When determining whether to implement a new area code via geographic split or overlay
19 the [~~commission~~] **department** should consider, but not be limited to, the following criteria when
20 determining the public interest:

- 21 (a) Which method best minimizes customer disruption from having to change numbers;
22 (b) Which method is the least costly for business and residents;
23 (c) Which method best minimizes customer confusion;
24 (d) Which method is the least costly for providers to implement;
25 (e) Which method most effectively conserves the total pool of telephone numbers once a
26 new area code is created;
27 (f) Which method minimizes geographic controversy;
28 (g) Which method is most equitable to every resident and business in New Hampshire;
29 (h) Which method minimizes repeating the disruption of area code changes in the future;
30 (i) Which method best ensures public safety;
31 (j) Which method is more competitively neutral; and
32 (k) Which method utilizes best available technology and comprehensive
33 telecommunications planning.

34 270 Renewable Energy and Energy Efficiency Project Loan Programs. Amend RSA 374:61 to
35 read as follows:

36 374:61 Renewable Energy and Energy Efficiency Project Loan Programs. A public utility may
37 seek [~~commission~~] authorization **from the department of energy**, either individually or in

1 combination with other public utilities, to establish loan, financing, or cost amortization programs
2 for owners and tenants of residential, public, nonprofit, and business property to finance or
3 otherwise amortize cost effective fuel neutral renewable energy and energy efficiency investments
4 and improvements to the owner's or tenant's premises. The total amount loaned in such programs
5 shall not exceed \$5,000,000. The ~~commission~~ **department** shall authorize terms, conditions, and
6 tariffs for the repayment of such loans and financed or underwritten investments and improvements
7 through charges billed through and that run with the meter or meters assigned to the location where
8 the investments are located, provided that such investments or improvements to a tenant's premises
9 are only made with the written consent of the owner or the owner's authorized management
10 representative. Pursuant to RSA 477:4-h, the owner, seller, lessor, or transferor of any real property
11 subject to unamortized or ongoing charges under such a tariff shall disclose such fact to a prospective
12 buyer, lessee, or occupant who might be responsible for paying such charges as a condition of utility
13 service. A public utility may not finance these loan, financing, or cost amortization programs
14 through its rate base, nor earn its regulated rate of return on such program investments and
15 improvements to the owner's or tenant's premises, unless such investment is approved as part of a
16 strategy for minimizing transmission and distributions costs pursuant to RSA 374-G.

17 271 Electric Utility Restructuring; Purpose. Amend RSA 374-F:1, III to read as follows:

18 III. The following interdependent policy principles are intended to guide the New
19 Hampshire public utilities commission **and the department of energy** in implementing a statewide
20 electric utility industry restructuring plan, in establishing interim stranded cost recovery charges, in
21 approving each utility's compliance filing, in streamlining administrative processes to make
22 regulation more efficient, and in regulating a restructured electric utility industry. In addition,
23 these interdependent principles are intended to guide the New Hampshire general court and the
24 department of environmental services and other state agencies in promoting and regulating a
25 restructured electric utility industry.

26 272 New Paragraph; Definitions. Amend RSA 374-F:2 by inserting after paragraph I-a the
27 following new paragraph:

28 I-b. "Department" means the department of energy.

29 273 Restructuring Policy Principles; Implementation. Amend RSA 374-F:3 and 374-F:4 to read
30 as follows:

31 374-F:3 Restructuring Policy Principles.

32 I. System Reliability. Reliable electricity service must be maintained while ensuring public
33 health, safety, and quality of life.

34 II. Customer Choice. Allowing customers to choose among electricity suppliers will help
35 ensure fully competitive and innovative markets. Customers should be able to choose among options
36 such as levels of service reliability, real time pricing, and generation sources, including
37 interconnected self generation. Customers should expect to be responsible for the consequences of

1 their choices. The [~~commission~~] **department** should ensure that customer confusion will be
2 minimized and customers will be well informed about changes resulting from restructuring and
3 increased customer choice.

4 III. Regulation and Unbundling of Services and Rates. When customer choice is introduced,
5 services and rates should be unbundled to provide customers clear price information on the cost
6 components of generation, transmission, distribution, and any other ancillary charges. Generation
7 services should be subject to market competition and minimal economic regulation and at least
8 functionally separated from transmission and distribution services which should remain regulated
9 for the foreseeable future. However, distribution service companies should not be absolutely
10 precluded from owning small scale distributed generation resources as part of a strategy for
11 minimizing transmission and distribution costs. Performance based or incentive regulation should
12 be considered for transmission and distribution services. Upward revaluation of transmission and
13 distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers
14 who do not own transmission and distribution facilities, should, at a minimum, be registered with
15 the [~~commission~~] **department**.

16 IV. Open Access to Transmission and Distribution Facilities. Non-discriminatory open
17 access to the electric system for wholesale and retail transactions should be promoted.
18 Comparability should be assured for generators competing with affiliates of groups supplying
19 transmission and distribution services. Companies providing transmission services should file at the
20 FERC or with the commission, **or with the department of energy**, as appropriate, comparable
21 service tariffs that provide open access for all competitors. The commission **and the department**
22 should monitor companies providing transmission or distribution services and take necessary
23 measures to ensure that no supplier has an unfair advantage in offering and pricing such services.

24 V. Universal Service.

25 (a) Electric service is essential and should be available to all customers. A utility
26 providing distribution services must have an obligation to connect all customers in its service
27 territory to the distribution system. A restructured electric utility industry should provide adequate
28 safeguards to assure universal service. Minimum residential customer service safeguards and
29 protections should be maintained. Programs and mechanisms that enable residential customers
30 with low incomes to manage and afford essential electricity requirements should be included as a
31 part of industry restructuring.

32 (b) As competitive markets emerge, customers should have the option of stable and
33 predictable ceiling electricity prices through a reasonable transition period, consistent with the near
34 term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition
35 service should be available for at least one but not more than 5 years after competition has been
36 certified to exist in at least 70 percent of the state pursuant to RSA 38:36, for customers who have
37 not yet chosen a competitive electricity supplier. Transition service should be procured through

1 competitive means and may be administered by independent third parties. The price of transition
2 service should increase over time to encourage customers to choose a competitive electricity supplier
3 during the transition period. Such transition service should be separate and distinct from default
4 service.

5 (c) Default service should be designed to provide a safety net and to assure universal
6 access and system integrity. Default service should be procured through the competitive market and
7 may be administered by independent third parties. Any prudently incurred costs arising from
8 compliance with the renewable portfolio standards of RSA 362-F for default service or purchased
9 power agreements shall be recovered through the default service charge. The allocation of the costs
10 of administering default service should be borne by the customers of default service in a manner
11 approved by the commission. If the commission determines it to be in the public interest, the
12 commission may implement measures to discourage misuse, or long-term use, of default service.
13 Revenues, if any, generated from such measures should be used to defray stranded costs.

14 (d) The commission should establish transition and default service appropriate to the
15 particular circumstances of each jurisdictional utility.

16 (e) Notwithstanding any provision of subparagraphs (b) and (c), as competitive markets
17 develop, the commission may approve alternative means of providing transition or default services
18 which are designed to minimize customer risk, not unduly harm the development of competitive
19 markets, and mitigate against price volatility without creating new deferred costs, if the commission
20 determines such means to be in the public interest.

21 (f)(1) For purposes of subparagraph (f), "renewable energy source" (RES) means a source
22 of electricity, as defined in RSA 362-F:2, XV, that would qualify to receive renewable energy
23 certificates under RSA 362-F, whether or not it has been designated as eligible under RSA 362-F:6,
24 III.

25 (2) A utility shall provide to its customers one or more RES options, as approved by
26 the commission, which may include RES default service provided by the utility or the provision of
27 retail access to competitive sellers of RES attributes. Costs associated with selecting an RES option
28 should be paid for by those customers choosing to take such option. A utility may recover all
29 prudently incurred administrative costs of RES options from all customers, as approved by the
30 commission.

31 (3) RES default service should have either all or a portion of its service attributable
32 to a renewable energy source component procured by the utility, with any remainder filled by
33 standard default service. The price of any RES default service shall be approved by the commission.

34 (4) Under any option offered, the customer shall be purchasing electricity generated
35 by renewable energy sources or the attributes of such generation, either in connection with or
36 separately from the electricity produced. The regional generation information system of energy

1 certificates administered by the ISO-New England and the New England Power Pool (NEPOOL)
2 should be considered at least one form of certification that is acceptable under this program.

3 (5) A utility that is required by statute to provide default service from its generation
4 assets should use any of its owned generation assets that are powered by renewable energy for the
5 provision of standard default service, rather than for the provision of a renewable energy source
6 component.

7 (6) Utilities should include educational materials in their normal communications to
8 their customers that explain the RES options being offered and the health and environmental
9 benefits associated with them. Such educational materials should be compatible with any
10 environmental disclosure requirements established by the ~~[commission]~~ **department**.

11 (7) For purposes of consumer protection and the maintenance of program integrity,
12 reasonable efforts should be made to assure that the renewable energy source component of an RES
13 option is not separately advertised, claimed, or sold as part of any other electricity service or
14 transaction, including compliance with the renewable portfolio standards under RSA 362-F.

15 (8) If RES default service is not available for purchase at a reasonable cost on behalf
16 of consumers choosing an RES default service option, a utility may, as approved by the commission,
17 make payments to the renewable energy fund created pursuant to RSA 362-F:10 on behalf of
18 customers to comply with subparagraph (f).

19 (9) The commission shall implement subparagraph (f) through utility-specific filings.
20 Approved RES options shall be included in individual tariff filings by utilities.

21 (10) A utility, with commission approval, may require that a minimum number of
22 customers, or a minimum amount of load, choose to participate in the program in order to offer an
23 RES option.

24 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
25 implemented in a manner that benefits all consumers equitably and does not benefit one customer
26 class to the detriment of another. Costs should not be shifted unfairly among customers. A
27 nonbypassable and competitively neutral system benefits charge applied to the use of the
28 distribution system may be used to fund public benefits related to the provision of electricity. Such
29 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-
30 income customers, energy efficiency programs, funding for the electric utility industry's share of
31 commission **and department** expenses pursuant to RSA 363-A, support for research and
32 development, and investments in commercialization strategies for new and beneficial technologies.
33 Legislative approval of the New Hampshire general court shall be required to increase the system
34 benefits charge. ~~[This requirement of prior approval of the New Hampshire general court shall not
35 apply to the energy efficiency portion of the system benefits charge if the increase is authorized by
36 an order of the commission to implement the 3-year planning periods of the Energy Efficiency
37 Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016,~~

1 ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource
2 Standard, is authorized by the fiscal committee of the general court; provided, however, that] No less
3 than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-
4 income energy efficiency programs. Energy efficiency programs should include the development of
5 relationships with third-party lending institutions to provide opportunities for low-cost financing of
6 energy efficiency measures to leverage available funds to the maximum extent, and shall also
7 include funding for workforce development to minimize waiting periods for low-income energy audits
8 and weatherization.

9 VII. Full and Fair Competition. Choice for retail customers cannot exist without a range of
10 viable suppliers. The rules that govern market activity should apply to all buyers and sellers in a
11 fair and consistent manner in order to ensure a fully competitive market.

12 VIII. Environmental Improvement. Continued environmental protection and long term
13 environmental sustainability should be encouraged. Increased competition in the electric industry
14 should be implemented in a manner that supports and furthers the goals of environmental
15 improvement. Over time, there should be more equitable treatment of old and new generation
16 sources with regard to air pollution controls and costs. New Hampshire should encourage equitable
17 and appropriate environmental regulation, based on comparable criteria, for all electricity
18 generators, in and out of state, to reduce air pollution transported across state lines and to promote
19 full, free, and fair competition. As generation becomes deregulated, innovative market-driven
20 approaches are preferred to regulatory controls to reduce adverse environmental impacts. Such
21 market approaches may include valuing the costs of pollution and using pollution offset credits.

22 IX. Renewable Energy Resources. Increased future commitments to renewable energy
23 resources should be consistent with the New Hampshire energy policy as set forth in RSA 378:37
24 and should be balanced against the impact on generation prices. Over the long term, increased use
25 of cost-effective renewable energy technologies can have significant environmental, economic, and
26 security benefits. To encourage emerging technologies, restructuring should allow customers the
27 possibility of choosing to pay a premium for electricity from renewable resources and reasonable
28 opportunities to directly invest in and interconnect decentralized renewable electricity generating
29 resources.

30 X. Energy Efficiency. Restructuring should be designed to reduce market barriers to
31 investments in energy efficiency and provide incentives for appropriate demand-side management
32 and not reduce cost-effective customer conservation. Utility sponsored energy efficiency programs
33 should target cost-effective opportunities that may otherwise be lost due to market barriers.

34 XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that
35 are expected to produce lower prices for all customers than would have been paid under the current
36 regulatory system. Given New Hampshire's higher than average regional prices for electricity,
37 utilities, in the near term, should work to reduce rates for all customers. To the greatest extent

1 practicable, rates should approach competitive regional electric rates. The state should recognize
2 when state policies impose costs that conflict with this principle and should take efforts to mitigate
3 those costs. The unique New Hampshire issues contributing to the highest prices in New England
4 should be addressed during the transition, wherever possible.

5 XII. Recovery of Stranded Costs.

6 (a) It is the intent of the legislature to provide appropriate tools and reasonable
7 guidance to the commission in order to assist it in addressing claims for stranded cost recovery and
8 fulfilling its responsibility to determine rates which are equitable, appropriate, and balanced and in
9 the public interest. In making its determinations, the commission shall balance the interests of
10 ratepayers and utilities during and after the restructuring process. Nothing in this section is
11 intended to provide any greater opportunity for stranded cost recovery than is available under
12 applicable regulation or law on the effective date of this chapter.

13 (b) Utilities should be allowed to recover the net nonmitigatable stranded costs
14 associated with required environmental mandates currently approved for cost recovery, and power
15 acquisitions mandated by federal statutes or RSA 362-A.

16 (c) Utilities have had and continue to have an obligation to take all reasonable measures
17 to mitigate stranded costs. Mitigation measures may include, but shall not be limited to:

18 (1) Reduction of expenses.

19 (2) Renegotiation of existing contracts.

20 (3) Refinancing of existing debt.

21 (4) A reasonable amount of retirement, sale, or write-off of uneconomic or surplus
22 assets, including regulatory assets not directly related to the provision of electricity service.

23 (d) Stranded costs should be determined on a net basis, should be verifiable, should not
24 include transmission and distribution assets, and should be reconciled to actual electricity market
25 conditions from time to time. Any recovery of stranded costs should be through a nonbypassable,
26 nondiscriminatory, appropriately structured charge that is fair to all customer classes, lawful,
27 constitutional, limited in duration, consistent with the promotion of fully competitive markets and
28 consistent with these principles. Entry and exit fees are not preferred recovery mechanisms.
29 Charges to recover stranded costs should only apply to customers within a utility's retail service
30 territory, except for such costs that have resulted from the provision of wholesale power to another
31 utility. The charges should not apply to wheeling-through transactions.

32 XIII. Regionalism. New England Power Pool (NEPOOL) should be reformed and efforts to
33 enhance competition and to complement industry restructuring on a regional basis should be
34 encouraged. New Hampshire should work with other New England and northeastern states to
35 accomplish the goals of restructuring. Working with other regional states, New Hampshire should
36 assert maximum state authority over the entire electric industry restructuring process. While it is
37 desirable to design and implement a restructured industry in concert with the other New England

1 and northeastern states, New Hampshire should not unnecessarily delay its timetable. Any pool
2 structure adopted for the restructured industry should not preclude bilateral contracts with pool and
3 non-pool services and should not preclude ancillary pool services from being obtained from non-pool
4 sources.

5 XIV. Administrative Processes. The commission *and the department* should adapt [~~its~~]
6 *their* administrative processes to make regulation more efficient and to enable competitors to adapt
7 to changes in the market in a timely manner. The market framework for competitive electric service
8 should, to the extent possible, reduce reliance on administrative process. New Hampshire should
9 move deliberately to replace traditional planning mechanisms with market driven choice as the
10 means of supplying resource needs.

11 XV. Timetable. The commission should seek to implement full customer choice among
12 electricity suppliers in the most expeditious manner possible, but may delay such implementation in
13 the service territory of any electric utility when implementation would be inconsistent with the goal
14 of near-term rate relief, or would otherwise not be in the public interest.

15 374-F:4 Implementation.

16 I. The commission is authorized to require the implementation of retail choice of electric
17 suppliers for all customer classes of utilities providing retail electric service under its jurisdiction.
18 The commission shall require such implementation at the earliest date determined to be in the
19 public interest by the commission. However, in no event may the implementation be delayed beyond
20 July 1, 1998 without legislative approval or a finding of public interest by the commission that delay
21 is required due to events beyond the control of the commission or that implementation of retail
22 choice within the service territory of any electric utility would be inconsistent with the goal of near-
23 term rate relief or would otherwise not be in the public interest. In the event that implementation of
24 retail choice is delayed in the service territory of an electric utility, the electric utility shall continue
25 to provide reliable retail service at the lowest reasonable cost in accordance with state law. In
26 addition, at the earliest practical date, the commission should make effective the unbundling of
27 components of rates into at least distribution, transmission, and generation for each jurisdictional
28 utility.

29 II. Upon the effective date of this chapter, the commission shall undertake a generic
30 proceeding to develop a statewide industry restructuring plan in accordance with the above
31 principles, and shall, after public hearings, issue a final order no later than February 28, 1997. In
32 its order, the commission shall establish the interim stranded cost recovery charge for each electric
33 utility as provided in paragraph VI.

34 III. The commission shall require all electric utilities subject to its jurisdiction to submit
35 compliance filings *to the department of energy*, which shall include open access tariffs and such
36 other information as the commission may require, no later than June 30, 1997. The [~~commission~~]
37 *department* shall investigate and *the commission* shall approve utility compliance filings, subject

1 to modification by the commission if necessary, after public hearing and subject to a finding that the
2 filings are in the public interest and substantially consistent with the principles established in this
3 chapter.

4 IV. A utility having less than a 50 percent share of statewide retail electric distribution
5 sales (measured in kilowatt hours per year) may seek a ruling by the commission that it is in the
6 public interest that implementation of such utility's compliance filing be deferred until compliance
7 filings representing 70 percent of retail electric sales have been or are being implemented.

8 V. The commission is authorized to allow utilities to collect a stranded cost recovery charge,
9 subject to its determination in the context of a rate case or adjudicated settlement proceeding that
10 such charge is equitable, appropriate, and balanced, is in the public interest, and is substantially
11 consistent with these interdependent principles. The burden of proof for any stranded cost recovery
12 claim shall be borne by the utility making such claim.

13 VI.(a) In order to facilitate the rapid transition to full competition, the commission is
14 authorized, in its generic restructuring order as provided in paragraph II, to set, without a formal
15 rate case proceeding, an interim stranded cost recovery charge for each electric utility. Such interim
16 stranded cost recovery charges shall be effective for not more than 2 years from the implementation
17 of utility compliance filings and shall be based on the commission's preliminary determination of an
18 equitable, appropriate, and balanced measure of stranded cost recovery that takes into account the
19 near term rate relief principle, is in the public interest, and is substantially consistent with these
20 interdependent principles. The commission shall also consider the potential for future rate impacts
21 due to possible differences between interim stranded cost recovery charges and charges that may
22 finally be approved for stranded cost recovery.

23 (b) Any utility may seek adjustment of the interim stranded cost recovery charge at any
24 time based on severe financial hardship, as determined by the commission. The setting of an interim
25 stranded cost recovery charge shall establish no legal, factual, or policy precedent with respect to the
26 final determination of stranded cost recovery by the commission in any subsequent administrative or
27 judicial proceeding.

28 VII. The interim stranded cost recovery charge established for a utility as provided in
29 paragraph VI may also be adjusted based upon the outcome of rate case proceedings to adjudicate
30 claims for stranded cost recovery pursuant to paragraph V of this section. Any amounts approved by
31 the commission for stranded cost recovery shall be net of amounts previously collected through
32 interim stranded cost recovery charges.

33 VIII.(a) The commission is authorized to order such charges and other service provisions and
34 to take such other actions that are necessary to implement restructuring and that are substantially
35 consistent with the principles established in this chapter. The commission is authorized to require
36 that distribution and electricity supply services be provided by separate affiliates.

37 (b) [Repealed.]

1 (c) The portion of the system benefits charge due to programs for low-income customers
2 shall not exceed 1.5 mills per kilowatt hour. If the commission determines that the low-income
3 program fund has accumulated an excess of \$1,000,000 and that the excess is not likely to be
4 substantially reduced over the next 12 months, it shall suspend collection of some or all of this
5 portion of the system benefits charge for a period of time it deems reasonable.

6 (d) [Repealed.]

7 (e) Targeted conservation, energy efficiency, and load management programs and
8 incentives that are part of a strategy to minimize distribution costs may be included in the
9 distribution charge or the system benefits charge, provided that system benefits charge funds are
10 only used for customer-based energy efficiency measures, and such funding shall not exceed 10
11 percent of the energy efficiency portion of a utility's annual system benefits charge funds. A proposal
12 for such use of system benefits charge funds shall be presented to the commission for approval. Any
13 such approval shall initially be on a pilot program basis and the results of each pilot program
14 proposal shall be subject to evaluation by the commission.

15 (f) Beginning in 2000, the commission *and the department* shall submit a report to the
16 legislative oversight committee to monitor the transformation of delivery of electric services by
17 October 1 of each year. The report shall concern the results and effectiveness of the system benefits
18 charge.

19 (g) [Repealed.]

20 VIII-a. Any electric utility that collects funds for energy efficiency programs that are subject
21 to the commission's approval, shall include in its plans to be submitted to the commission program
22 design, and/or enhancements, and estimated participation that maximize energy efficiency benefits
23 to public schools, including measures that help enhance the energy efficiency of public school
24 construction or renovation projects that are designed to improve indoor air quality. The report
25 required under RSA 374-F:4, VIII(f) shall include the results and effectiveness of the energy
26 efficiency programs for schools and, in addition to other requirements, be submitted to the
27 commissioner of the department of education.

28 IX. An electricity supplier shall be eligible to compete, subject to necessary limitations
29 established by the commission, for open access customers only if affiliated utilities file comparable
30 open access transmission and distribution rates with the FERC or the commission, or both as
31 appropriate, for all of their transmission facilities in New Hampshire and to the extent practicable,
32 all of their distribution facilities in New Hampshire.

33 X. Nothing in this chapter shall be construed to prohibit the commission from otherwise
34 exercising its lawful authority under title 34, in proceedings which relate to the introduction of
35 competition in the retail electric utility industry including the retention of experts and consultants to
36 assist the commission in its investigations and the assessment of such costs against utilities and any
37 other parties to the proceedings, consistent with RSA 365:37 and RSA 365:38.

1 XI. Any administrative or adjudicative proceeding or public hearing relating to this chapter
2 shall be subject to the provisions of RSA 541-A.

3 XII. To the extent that the provisions of this chapter are applicable to rural electric
4 cooperatives for which a certificate of deregulation is on file with the commission, the commission
5 shall exercise its authority with regard to such deregulated rural electric cooperatives only when and
6 to the extent that the commission finds, after notice and hearing, that such action is required to
7 ensure that such deregulated rural electric cooperatives do not act in a manner which is inconsistent
8 with the restructuring policy principles of RSA 374-F:3. The commission shall have the authority to
9 require that such deregulated rural electric cooperatives participate in proceedings, answer
10 commission *and department* for information and file such reports as may be reasonably necessary
11 to permit the commission to make an informed finding concerning the relevant restructuring policy
12 principle actions of such deregulated rural electric cooperatives. Absent such a finding by the
13 commission, the active role of assuring that the restructuring policy principles are appropriately
14 addressed within their service territories shall be reserved to the deregulated rural electric
15 cooperatives. Notwithstanding the foregoing, deregulated rural electric cooperatives shall be subject
16 to the commission's jurisdiction with regard to those provisions of RSA 374-F pertaining to stranded
17 cost recovery, customer choice, open access tariffs, default service, energy efficiency, and low income
18 programs to the same extent as other public utilities.

19 274 Oversight Committee; Report. Amend RSA 374-F:5, III to read as follows:

20 III. The committee shall provide an interim report on or before April 1, and an annual report
21 on or before November 1 to the governor, the speaker of the house, the senate president, the state
22 library, ~~and~~ the public utilities commission, *and the department of energy* on activities before
23 the public utilities commission and other cognizant state agencies in regard to evolving changes in
24 the provision of electric services to New Hampshire customers, including modernization of the
25 electric grid, development of technologies for electric storage, electrification of transportation, the
26 growth of distributed generation, the commission's role in a deregulated market, and such matters
27 as may arise that may present opportunities to improve the delivery of electric services or to reduce
28 cost.

29 275 Competitive Electricity Supplier Requirements; Participation in Regional Activities. Amend
30 RSA 374-F:7 and 374-F:8 to read as follows:

31 374-F:7 Competitive Electricity Supplier Requirements.

32 I. Competitive energy suppliers are not public utilities pursuant to RSA 362:2, though a
33 competitive energy supplier may seek public utility status from the ~~[commission]~~ *department* if it
34 so chooses. Notwithstanding a competitive energy supplier's non-utility status, the ~~[commission]~~
35 *department* is authorized to establish requirements, excluding price regulation, for competitive
36 electricity suppliers, including registration, registration fees, customer information, disclosure,
37 standards of conduct, and consumer protection and assistance requirements. Unless electing to do

1 so, an electricity supplier that offers or sells at retail to consumers within this state products and
2 services that can lawfully be made available to such consumers by more than one supplier shall not,
3 because of such offers or sales, be deemed to be a public utility as defined by RSA 362:2. These
4 requirements shall be applied in a manner consistent with the restructuring principles of this
5 chapter to promote competition among electricity suppliers.

6 II. Aggregators of electricity load that do not take ownership of power or other services and
7 do not represent any supplier interest are not public utilities pursuant to RSA 362:2, but shall notify
8 the ~~[commission]~~ **department** of their intent to do business. Municipalities that aggregate electric
9 power or energy services for their citizens pursuant to RSA 53-E are not public utilities pursuant to
10 RSA 362:2 and are not subject to the provisions of paragraph III and RSA 374-F:4-b.

11 III. The **department may investigate and petition the** commission ~~[may]~~ **to** assess fines
12 against, revoke the registration of, order the rescission of contracts with residential customers of,
13 order restitution to the residential customers of, and prohibit from doing business in the state any
14 competitive electricity supplier, including any aggregator or broker, which is found to have:

15 (a) Engaged in any unfair or deceptive acts or practices in the marketing, sale, or
16 solicitation of electricity supply or related services;

17 (b) Violated the requirements of this section or any other provision of this title
18 applicable to competitive electricity suppliers; or

19 (c) Violated any rule adopted by the ~~[commission]~~ **department** pursuant to paragraph V
20 and RSA 374-F:4-b.

21 IV. As a condition of operation, for a 2-year interim period from the date that competition is
22 implemented in one or more areas of the state, competitive energy suppliers and load aggregators
23 shall submit to the jurisdiction of the commission for mediation and resolution of disputes between
24 customers and competitive energy suppliers or aggregators. Municipalities that aggregate electric
25 power or energy service for their citizens pursuant to RSA 53-E are not subject to this paragraph.

26 V. The ~~[commission]~~ **department** shall adopt rules, under RSA 541-A, to implement this
27 section. Where the ~~[commission]~~ **department** has adopted rules in conformity with this section,
28 complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA
29 541-A:29-a.

30 374-F:8 Participation in Regional Activities. The ~~[commission]~~ **department** shall advocate for
31 New Hampshire interests before the Federal Energy Regulatory Commission and other regional and
32 federal bodies. The commission shall participate in the activities of the New England Conference of
33 Public Utility Commissioners, **and** the National Association of Regulatory Utility Commissioners,
34 **and the department shall participate in the activities of the** New England States Committee on
35 Electricity, or other similar organizations, and work with the New England Independent System
36 Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale
37 electric issues, including policy goals relating to fuel diversity, renewable energy, and energy

1 efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable
2 transmission system at just and reasonable prices. The ~~[commission]~~ **department** shall advocate
3 against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or
4 laws of New Hampshire. In its participation in regional activities, the commission **and the**
5 **department** shall consider how other states' policies will impact New Hampshire rates and work to
6 prevent or minimize any rate impact the commission **or department** determines to be unjust or
7 unreasonable.

8 276 Offshore Wind and Port Development; Commission Established; Membership. Amend RSA
9 374-F:10, II(c) to read as follows:

10 (c) The ~~[director of the office of strategic initiatives]~~ **commissioner of the department**
11 **of energy**, or designee.

12 277 Reference Changed; Office of Offshore Wind Industry Development. Amend RSA 374-F:10,
13 VI to read as follows:

14 VI. The commission shall receive staff support and other services, including research and
15 facilities assessments, from the department of business and economic affairs, office of offshore wind
16 industry development established in RSA ~~[12-O:51]~~ **12-P:7-b**.

17 278 Definitions Amend RSA 374-H:1, I to read as follows:

18 I. ~~["Commission"]~~ **"Department"** means the ~~[public utilities commission]~~ **department of**
19 **energy**.

20 279 Investigation of Energy Storage. Amend RSA 374-H:2 to read as follows:

21 374-H:2 ~~[Commission]~~ **Department** Investigation of Energy Storage.

22 I. Within 30 days of the effective date of this chapter, the ~~[commission]~~ **department** shall
23 ~~[initiate a proceeding to investigate]~~ **conduct an investigation into** ways to enable energy storage
24 projects to receive compensation for avoided transmission and distribution costs, including but not
25 limited to avoided regional and local network service charges, while also participating in wholesale
26 energy markets. The ~~[commission]~~ **department** shall investigate how this might be done for both
27 utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter
28 storage and front-of-the-meter storage.

29 II. The ~~[commission's investigative proceeding]~~ **department's investigation** shall
30 specifically consider the following:

31 (a) How public policy can best help establish accurate and efficient price signals for
32 energy storage projects that value their ability to avoid transmission and distribution costs while
33 simultaneously reducing wholesale electricity market prices.

34 (b) How to compensate energy storage projects that participate in wholesale electricity
35 markets for avoided transmission and distribution costs in a manner that provides net savings to
36 consumers.

1 (c) How best to encourage both utility and non-utility investments in energy storage
2 projects.

3 (d) The costs and benefits of a potential bring your own device program; how such a
4 program might be implemented; any statutory or regulatory changes that might be needed to create,
5 facilitate, and implement such a program; and whether such a program should include all
6 distributed energy resources or be limited to distributed energy storage projects.

7 (e) Any statutory changes the general court should implement, including but not limited
8 to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to
9 receive appropriate compensation for avoided transmission and distribution costs while also
10 participating in wholesale energy markets.

11 (f) Any other topic the [~~commission~~] **department** reasonably believes it should consider
12 in order to diligently conduct the proceeding.

13 III. The [~~commission~~] **department** shall report its findings and recommendations to the
14 standing committees of the house of representatives and senate with jurisdiction over energy and
15 utility matters no later than 2 years after initiating the proceeding. The report shall identify ways
16 any recommended statutory changes can minimize any potential conflict with the restructuring
17 policy principles of RSA 374-F.

18 280 Fixing of Rates by Commission; Energy Policy Act Standards. Amend RSA 378:7 and 378:7-
19 a to read as follows:

20 378:7 Fixing of Rates by Commission. Whenever the commission shall be of opinion, after a
21 hearing had upon its own motion **or on motion of the department of energy** or upon complaint,
22 that the rates, fares or charges demanded or collected, or proposed to be demanded or collected, by
23 any public utility for service rendered or to be rendered are unjust or unreasonable, or that the
24 regulations or practices of such public utility affecting such rates are unjust or unreasonable, or in
25 any wise in violation of any provision of law, or that the maximum rates, fares or charges chargeable
26 by any such public utility are insufficient, the commission shall determine the just and reasonable or
27 lawful rates, fares and charges to be thereafter observed and in force as the maximum to be charged
28 for the service to be performed, and shall fix the same by order to be served upon all public utilities
29 by which such rates, fares and charges are thereafter to be observed. The commission shall be under
30 no obligation to investigate **or hear** any rate matter which it has investigated within a period of 2
31 years, but may do so within said period at its discretion.

32 378:7-a Energy Policy Act Standards. The [~~commission~~] **department** may establish
33 requirements for net metering, fuel diversity, fossil fuel generation efficiency, advanced metering,
34 time-based rates, and interconnection with on-site generation facilities of customers in a manner not
35 inconsistent with section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Chapter
36 46) as amended by the Energy Policy Act of 2005.

37 281 Contracts for Advertising. Amend RSA 378:24 to read as follows:

1 378:24 Contracts for Advertising. All advertising contracts of public utilities shall be made at
2 regular, established, commercial advertising rates; and such contracts shall be open to inspection by
3 the commission **and the department of energy** at all times.

4 282 Filing; Inspection; Temporary Rates. Amend RSA 378:26 and 378:27 to read as follows:

5 378:26 Filing; Inspection. A copy of such list for the preceding year shall be filed with the
6 commission **and the department of energy**, in such form and under such regulations as [~~the~~
7 ~~commission~~] **they** may prescribe. Such list, together with the books, records and papers of the
8 carrier so far as relevant, shall be open at all times to the inspection of the commission, who shall
9 examine the same whenever they deem it necessary to the due enforcement of this title.

10 378:27 Temporary Rates. In any proceeding involving the rates of a public utility brought either
11 upon motion of the commission **or the department of energy** or upon complaint, the commission
12 may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires,
13 immediately fix, determine, and prescribe for the duration of said proceeding reasonable temporary
14 rates; provided, however, that such temporary rates shall be sufficient to yield not less than a
15 reasonable return on the cost of the property of the utility used and useful in the public service less
16 accrued depreciation, as shown by the reports of the utility filed with the commission, unless there
17 appears to be reasonable ground for questioning the figures in such reports.

18 283 Multi-use Data Energy Platform. Amend RSA 378:50-378:52 to read as follows:

19 378:50 Definitions. In this subdivision:

- 20 I. "Data sharing" means providing data and accessing data provided by others.
21 II. "Individual customer data" means the customer's name, address, opt-in status pursuant
22 to RSA 374:62, energy usage as recorded by meters supplied by electric and natural gas utilities, and
23 other data segments established and authorized by the [~~commission~~] **department of energy**.

24 III. "Third party" means:

- 25 (a) Any service provider within the meaning of RSA 363:37, II other than a utility; and
26 (b) The office of the consumer advocate established pursuant to RSA 363:28.

27 378:51 Online Energy Data Platform Established.

28 I. The [~~commission~~] **department of energy** shall require electric and natural gas utilities to
29 establish and jointly operate a statewide, multi-use, online energy data platform. The data platform
30 shall:

- 31 (a) Consist of a common base of energy data for use in wide range of applications and
32 business uses.
33 (b) Adhere to specific and well-documented standards.
34 (c) Provide a user-friendly interface.
35 (d) Adhere to a common statewide logical data model that defines the relationships
36 among the various categories of data included in the platform.

1 (e) Allow for sharing of individual customer data consistent with the opt-in requirements
2 for third-party access specified in RSA 363:38.

3 (f) Protect from unauthorized disclosure the personally identifying information of utility
4 customers in a manner that advances applicable constitutional and statutory privacy rights,
5 including the protections of RSA 363:38.

6 (g) Provide for the voluntary participation of municipal utilities and deregulated rural
7 electric cooperatives in data sharing and the operation of the online energy data platform, subject to
8 terms, conditions, and cost sharing which are reasonable and in the public interest.

9 II. The commission shall open an adjudicative proceeding within 90 days of the effective
10 date of this subdivision, to which all electric and natural gas utilities shall be mandatory parties, to
11 determine:

12 (a) Governance, development, implementation, change management, and versioning of
13 the statewide, multi-use, online energy data platform.

14 (b) Standards for data accuracy, retention, availability, privacy, and security, including
15 the integrity and uniformity of the logical data model.

16 (c) Financial security standards or other mechanisms to assure compliance with privacy
17 standards by third parties.

18 III. The ~~[commission]~~ **department of energy** shall defer the implementation of the
19 statewide, multi-use, online energy data platform pursuant to paragraph I if it determines that the
20 cost of such platform to be recovered from customers is unreasonable and not in the public interest.

21 IV. The ~~[commission]~~ **department of energy** may adopt **additional** rules pursuant to RSA
22 541-A as necessary to implement this section.

23 378:52 Platform Requirements. The utilities shall:

24 I. Design and operate the energy data platform to provide opportunities for utilities, their
25 customers, and third parties to access the online energy data platform and to participate in data
26 sharing.

27 II. Require, as a condition of accessing the online energy data platform, that a third party
28 complete a qualification and registration process to ensure that any customer data downloaded from
29 the platform remains in a safe, secure environment according to data privacy standards established
30 by the ~~[commission]~~ **department of energy**.

31 III. Administer the online energy data platform in a manner consistent with RSA 363:38.

32 284 Regional Greenhouse Gas Initiative; Energy Efficiency Fund and Use of Auction Proceeds.
33 Amend RSA 125-O:23 to read as follows:

34 125-O:23 Energy Efficiency Fund and Use of Auction Proceeds.

35 I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall
36 be continually appropriated to the ~~[commission]~~ **department of energy** to be expended in
37 accordance with this section. The state treasurer shall invest the moneys deposited therein, as

1 provided by law. Income received on investments made by the state treasurer shall also be credited
2 to the fund. All programs supported by these funds shall be subject to audit by the ~~[commission]~~
3 **department of energy** as deemed necessary. A portion of the fund moneys shall be used to pay for
4 ~~[commission]~~ **department of energy** and department **of environmental services** costs to
5 administer this subdivision, including contributions for the state's share of the costs of the RGGI
6 regional organization. No fund moneys shall be used by the ~~[commission]~~ **department of energy** or
7 the department **of environmental services** to contract with outside consultants. The **department**
8 **of energy** ~~[commission]~~ shall transfer from the fund to the department **of environmental services**
9 such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the
10 general court and the governor and council, for the department's cost of administering this
11 subdivision.

12 II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated
13 to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be
14 determined by the commission.

15 III. All remaining proceeds received by the state from the sale of allowances, excluding the
16 amount used for ~~[commission]~~ **department of energy** and department **of environmental services**
17 administration under paragraph I, shall be allocated by the commission as follows:

18 (a) At least 15 percent to the low-income core energy efficiency program.

19 (b) Beginning January 1, 2014, up to \$2,000,000 annually to utility core programs for
20 municipal and local government energy efficiency projects, including projects by local governments
21 that have their own municipal utilities. Funding elements shall include, but not be limited to,
22 funding for direct technical and project management assistance to identify and encourage
23 comprehensive projects and incentives structured to assist municipal and local governments funding
24 energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to
25 municipal and local government projects under this paragraph remaining at the end of the year shall
26 roll over and be added to the new calendar year program funds and continue to be made available
27 exclusively for municipal and local government projects. Beginning in calendar year 2017, and all
28 subsequent years, funds allocated to municipal and local government projects under this paragraph
29 shall be offered first to municipal and local governments as described in this paragraph for no less
30 than 4 full calendar months. If, at the end of this time, municipal and local governments have not
31 submitted requests for eligible projects that will expend the funds allocated to municipal and local
32 government projects under this paragraph within that program year, the funds shall be offered on a
33 first-come, first-serve basis to business and municipal customers who fund the system benefits
34 charge.

35 (c) The remainder to all-fuels, comprehensive energy efficiency programs administered
36 by qualified parties which may include electric distribution companies as selected through a
37 competitive bid process. The funding shall be distributed among residential, commercial, and

1 industrial customers based upon each customer class's electricity usage to the greatest extent
2 practicable as determined by the commission. Bids shall be evaluated based on, but not limited to,
3 the following criteria:

- 4 (1) A benefit/cost ratio analysis including all fuels.
- 5 (2) Demonstrated ability to provide a comprehensive, fuel neutral program.
- 6 (3) Demonstrated infrastructure to effectively deliver such program.
- 7 (4) Experience of the bidder in administering energy efficiency programs.
- 8 (5) Ability to reach out to customers.
- 9 (6) The validity of the energy saving assumptions described in the bid.

10 IV. The ~~[electric]~~ division of ***policy and programs of*** the ~~[commission]~~ ***department of***
11 ***energy*** shall conduct a competitive bid process for the selection of programs to be funded under
12 subparagraph III(c), with such funding to begin January 1, 2015. The ~~[commission]~~ ***department of***
13 ***energy*** may petition the governor and council to extend existing contracts until such time as the
14 competitive bids are approved by the governor and council, but in no event later than July 1, 2015.
15 The competitive bid process shall be repeated every 3 years thereafter. Before extending any
16 existing program, public comment on the proposed extension shall be accepted.

17 V. Each entity receiving funding under subparagraph III(c) shall file an annual report on
18 the performance of the entity's program. The ~~[commission]~~ ***department of energy*** shall establish
19 the format, content, and the methodologies used to provide the content of the reports. The
20 ~~[commission]~~ ***department of energy*** shall make use of, as applicable and appropriate, the
21 monitoring and verification requirements used in the natural gas and electric utility core programs.
22 The annual reports shall be delivered to the governor, the president of the senate, the speaker of the
23 house of representatives, the chairmen of the senate and house standing committees with
24 jurisdiction over energy matters, ***the commissioner of the department of energy*** and the
25 ~~[chairman]~~ ***chairperson*** of the public utilities commission. The reports shall include, but not be
26 limited to, the following:

- 27 (a) Program expenditures, including direct customer installation costs.
- 28 (b) Resulting actual and projected energy savings by fuel type and associated CO2
29 emissions reductions.
- 30 (c) Any measurement and verification data that corroborate projected savings.
- 31 (d) The number of customers served by the programs.
- 32 (e) Other data as required by the commission in order to determine program
33 effectiveness.

34 285 New Paragraph; Bank Commissioner; Public Deposit Investment Pool. Amend RSA 383:22
35 by inserting after paragraph IV the following new paragraph:

36 V. The commissioner shall charge the public deposit investment pool any actual costs
37 incurred by the department for the operation of the pool as well as any expenses of department

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1 personnel assisting in the operation of the pool. The cost for personnel assisting in the operation of
2 the pool shall be determined in accordance with the per diem examination charge established in RSA
3 383:11, I, provided that the requirement that no entity shall be charged or pay less than one full day
4 shall not apply. The private investment advisor retained under paragraph II shall be responsible for
5 processing any invoice submitted for the actual costs incurred by the department and the expenses of
6 department personnel under this paragraph.

7 286 Tax Expenditure Report; Weighted Apportionment Factors Removed. Amend RSA 71-C:2 to
8 read as follows:

9 71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the
10 community development finance authority investment tax credit as computed in RSA 162-L:10; the
11 economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development
12 tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the
13 education tax credit as computed in RSA 77-G:4; [~~the weighted apportionment factors under RSA 77-~~
14 ~~A:3, II(a);~~] ***the regional career and technical education center tax credit pursuant to RSA***
15 ***188-E:9-a;*** and the exemption for qualified regenerative manufacturing companies allowed under
16 RSA 77-A:1, I and RSA 77-E:1, III.

17 287 Business Profits Tax; Single Sales Factor; Amendment to Prospective Amendment. 2019,
18 346:426, prospectively amending RSA 77-A:3, I-III, is repealed and reenacted to read as follow:

19 346:426 Business Profits Tax; Apportionment; 2026. RSA 77-A:3, I-III are repealed and
20 reenacted to read as follows:

21 I. A business organization which derives gross business profits from business activity both
22 within and without this state, and which is subject to a net income tax, a franchise tax measured by
23 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
24 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
25 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
26 of such business profits. Except as provided in this section, such apportionment shall be made in the
27 following manner:

28 (a) For taxable periods ending before December 31, 2026:

29 (1) The business organization's gross business profits shall be apportioned on the
30 basis of the following 3 factors:

31 (A) The percentage of value of the total real and tangible personal property
32 owned, rented and employed by the business organization everywhere as is owned, rented and
33 employed by it in the operation of its business in this state. Property owned by the business
34 organization shall be valued at its original cost. Property rented by the business organization shall
35 be valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate
36 paid by the business organization less any annual rental rate received by the business organization
37 from subrentals.

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1 (B) The percentage of total compensation paid by the business organization to
2 employees everywhere as is paid by the business organization to employees for services rendered
3 within this state. Such compensation is deemed to be disbursed for services in this state if the
4 service is performed entirely within this state, or if the service is performed both within and without
5 this state and the service performed without this state is incidental to the service within this state,
6 or some of the service is performed in this state and (i) the base of operations or, if there is no base of
7 operations, the place from which the service is directed or controlled is in this state, or (ii) the base of
8 operations or the place from which the service is directed or controlled is not in any state in which
9 some part of the service is performed, but the individual performing such service resides within this
10 state.

11 (C) The percentage of the total sales, including charges for services, made by the
12 business organization everywhere as is made by it within this state:

13 (i) Sales of tangible personal property are made in this state if the property
14 is delivered or shipped to a purchaser, other than the United States government, within this state
15 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
16 warehouse, factory or other place of storage in this state and the purchaser is the United States
17 government, or the business organization is not taxable in the state of the purchaser.

18 (ii) Sales other than sales of tangible personal property are in this state if
19 the business organization's market for the sales is in this state, as follows:

20 1. In the case of sale, rental, lease, or license of real property, if and to
21 the extent the property is located in this state;

22 2. In the case of rental, lease, or license of tangible personal property, if
23 and to the extent the property is located in this state;

24 3. In the case of sale of a service, if and to the extent the service is
25 delivered to a location in this state;

26 4. In the case of sale, rental, lease, or license of intangible property, if
27 and to the extent the property is used in this state;

28 5. In the case of interest income, if and to the extent the debtor or
29 encumbered property is located in this state;

30 6. In the case of dividend income, if and to the extent the business
31 organization's commercial domicile is in this state; and

32 7. In the case of other income, if and to the extent the income is derived
33 from sources in this state.

34 (iii) In the case of sales other than sales of tangible personal property, if the
35 state or states of assignment cannot be determined, the state or states of assignment shall be
36 reasonably approximated.

1 (iv) In the case of sales other than sales of tangible personal property, if the
2 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be
3 determined or reasonably approximated, such sale shall be excluded from the denominator of the
4 sales factor.

5 (2) A fraction, the numerator of which shall be the property factor in subparagraph
6 I(a)(1)(A) plus the compensation factor in subparagraph I(a)(1)(B) plus 2 multiplied by the sales
7 factor in subparagraph I(a)(1)(C) and the denominator of which is 4, shall be applied to the total
8 gross business profits (less foreign dividends) of the business organization to ascertain its gross
9 business profits in this state.

10 (b) For taxable periods ending on or after December 31, 2026, the business
11 organization's gross business profits shall be apportioned by multiplying the total gross business
12 profits (less foreign dividends) of the business organization by the sales factor in subparagraph
13 I(a)(1)(C).

14 II.(a) If the applicable method of apportionment in paragraph I does not fairly represent the
15 business organization's business activity in this state, the business organization may petition for, or
16 the commissioner may require, in respect to all or any part of the business organization's business
17 activity, if reasonable, the employment of any other method to effect an equitable apportionment of
18 the business organization's gross business profits.

19 (b) For foreign dividends from unitary sources, the following formula shall be used to
20 modify factors relating to included dividends:

21 (1) Determine a percentage for each dividend payor consisting of dividends paid
22 divided by taxable income which has been computed using United States standards.

23 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales
24 for taxable periods ending before December 31, 2026, or to the dividend payor's foreign sales for
25 taxable periods ending on or after December 31, 2026.

26 (3) Sum the results in subparagraph (2) for all dividend payors.

27 (4) Add the result in subparagraph (3) to the denominators of the combined water's
28 edge group. The numerator will remain the New Hampshire numerator.

29 (5) Apply the resulting percentage to the foreign dividends.

30 (6) Add this amount to the amount of New Hampshire taxable business profits
31 computed pursuant to RSA 77-A:3, I.

32 III. When 2 or more related business organizations are engaged in a unitary business, as
33 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of the
34 group, the income attributable to this state shall be determined by means of the applicable combined
35 apportionment factors of the unitary business group in accordance with paragraphs I and II.

36 288 Legislative Committee on Apportionment; Extended; Duties Revised. Amend RSA 77-A:23-
37 a to read as follows:

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1 77-A:23-a Legislative Committee on Apportionment. There is established a committee to study
2 the apportionment of gross business profits under the business profits tax, ~~[and to authorize the~~
3 ~~enactment of]~~ ***with special emphasis on the impact on the state's businesses, employment***
4 ***and revenues of moving to*** the single sales factor for the business profits tax and business
5 enterprise tax.

6 I. The members of the committee shall be as follows:

7 (a) Three members of the senate, appointed by the president of the senate.

8 (b) Four members of the house of representatives, appointed by the speaker of the house
9 of representatives.

10 II. Members of the committee shall receive mileage at the legislative rate when attending to
11 the duties of the committee.

12 III.(a) The committee shall study apportionment among states pursuant to RSA 77-A:3 of
13 gross business profits under the business profits tax. The committee shall also monitor the laws and
14 legislation of other states concerning market-based sourcing ***and single sales factor***
15 ***apportionment*** and may study any other related issues. The committee may solicit input or
16 testimony from any person or organization the committee deems relevant to the study.

17 (b) ~~[The committee shall conduct meetings and]~~ ***Beginning*** on or before November 1,
18 ~~[2020]~~ ***2024, the committee shall examine the data provided by the department of revenue***
19 ***administration on the effects of single sales factor apportionment under the new market***
20 ***rules, and*** shall ~~[hold at least 2 public hearings on the enactment of the single sales tax provisions~~
21 ~~contained in sections 426-429 of HB 4-FN-A-LOCAL of the 2019 regular legislative session. In~~
22 ~~November 2020, the committee shall, by majority vote of the committee, vote on whether to rescind~~
23 ~~the enactment of the amendments contained in sections 426-429 of HB 4-FN-A-LOCAL regular~~
24 ~~legislative session. If the majority of the committee rescinds the enactment of sections 426-429 of~~
25 ~~HB 4-FN-A-LOCAL regular legislative session, such sections shall not take effect.]~~ ***by majority vote***
26 ***of the committee, vote on whether to recommend and sponsor legislation to rescind or***
27 ***further delay the change to single sales factor apportionment described in RSA 77:3.*** The
28 committee shall report on its actions to the chairpersons of the senate and house finance committees,
29 the chairpersons of the senate and house ways and means committees, the secretary of state, and the
30 director of the office of legislative services.

31 IV. The members of the committee shall elect a chairperson from among the members. The
32 first meeting shall be called by the first-named ~~[senate]~~ ***house*** member. The first meeting of the
33 committee shall be held within 45 days ~~[of the effective date of this section]~~ ***after May 1, 2024.*** Four
34 members of the committee shall constitute a quorum.

35 V. The committee shall report its findings and any recommendations for proposed legislation
36 to the president of the senate, the speaker of the house of representatives, the senate clerk, the
37 house clerk, the governor, and the state library on or before December 1, ~~[2020]~~ ***2024.***

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1 289 Enactment of Single Sales Factor; Date Changed. Amend 2019, 346:432 to read as follows:
2 346:432 Enactment of Single Sales Factor. Sections 426-429 of this act shall take effect January
3 1, [2022] **2026** unless upon the report of the committee established in RSA 77-A:23-a, as inserted in
4 this act, [~~that by majority vote of the committee, sections 426-429 are rescinded~~] **legislation is**
5 **adopted to rescind or further delay the change to single sales factor apportionment.**

6 290 Repeal of Legislative Committee; Change to Effective Date. Amend 2019, 346:440, XIII to
7 read as follows:

8 XIII. Section 433 of this act shall take effect December 1, [2020] **2024.**

9 291 Limitation; Horse and Dog Racing; Historic Racing Included. Amend RSA 284:1 to read as
10 follows:

11 284:1 Limitation. This chapter shall be construed to apply only to running or harness horse
12 racing, whether live, [~~or~~] simulcast **or historic**, or simulcast dog racing.

13 292 Racing and Charitable Gaming; Lottery Commission; Historic Racing. Amend RSA 284:6-
14 a, VI to read as follows:

15 VI. The lottery commission shall not authorize the use of any electronic gaming device in
16 connection with the acceptance of wagers on running or harness horse racing, whether live, [~~or~~]
17 simulcast **or historic**, or simulcast dog racing, the type of which was not in use prior to January 1,
18 2011, unless specific authorization for such electronic gaming device is enacted by the general court.
19 Electronic gaming devices shall mean and include all electro-mechanical instruments and devices
20 used for the purposes of gaming, other than wagering on live, [~~or~~] simulcast **or historic** horse racing
21 or simulcast dog racing, whether in physical presence or through the Internet, and such shall
22 include, but not be limited to, video slot machines and other gambling devices which function or are
23 designed to function to emulate a video slot machine [~~or historic racing machine~~]. This section shall
24 not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct
25 of wagering on live, simulcast, horse racing or simulcast dog racing, which type of equipment was in
26 service prior to January 1, 2011, with updated or new equipment which are the functional equivalent
27 of the machines which are being replaced, provided the equipment is not an electronic gaming device
28 as described in the previous sentence. This section shall not be interpreted as prohibiting licensees
29 from accepting account wagers in compliance with applicable rules and regulations.

30 **VII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers**
31 **on historic horse races, whether on an electronic gaming device or otherwise, so long as**
32 **such wagers meet the requirements of this chapter. Historic horse racing machines shall**
33 **be programmed and operated for pari-mutuel wagering only.**

34 293 Rulemaking; Historic Racing. Amend RSA 284:12, IV to read as follows:

35 IV. The sale of pari-mutuel pools as authorized under RSA 284:22, [~~and~~] RSA 284:22-a, **and**
36 **RSA 284:22-b.**

37 294 License Required; Investigation Fees. Amend RSA 284:12-a, I to read as follows:

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1 I. No person, association, corporation, or any other type of entity shall hold any live running
2 or harness race or meet, *shall offer wagers on historic horse races*, or shall conduct any
3 simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without
4 a license from the lottery commission.

5 295 New Section; Pari-Mutuel Pools on Historic Horse Races. Amend RSA 284 by inserting
6 after section 22-a the following new section:

7 284:22-b Pari-Mutuel Pools on Historic Horse Races.

8 I. In this section:

9 (a) "Historic horse race" means:

10 (1) Any horse race whether running or harness, that was previously conducted at a
11 licensed pari-mutuel facility;

12 (2) Concluded with official results; and

13 (3) Concluded without scratches, disqualifications, or dead-heat finishes.

14 (b) "Licensee" means any individual, association, partnership, joint-venture, corporation,
15 or other organization or other entity which holds a game operator employer license under RSA 287-
16 D.

17 (c) "Pari-mutuel method of wagering" means:

18 (1) A method of wagering in which those who wager on horses that finish in the
19 position or positions for which wagers are taken share in the total amounts wagered, plus any
20 amounts provided by a licensee, may include a nonrefundable contribution to serve as a seed or
21 guarantee; and

22 (2) A totalizator or similar mechanical equipment calculates pari-mutuel pools and
23 payouts associated with each winning wager.

24 II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant
25 shall have been game operator employer licensed under RSA 287-D as of May 1, 2020 and still
26 licensed as of the effective date of this section, provided such sales are within the enclosure of a
27 facility at which the licensee holds its licensed activities under RSA 287-D, and that such facility is
28 located within the city or town in which the licensee held its license on May 1, 2020. An application
29 that is approved by the lottery commission, and a license that is granted shall not be permitted to be
30 transferred or sold.

31 III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may
32 take place on electronic gaming devices provided that:

33 (a) All wagers use the pari-mutuel method of wagering.

34 (b) A licensee at all times maintains at least 2 terminals offering the same type of wager
35 on all historic horse races.

36 (c) The terminal makes available true and accurate past performance information on
37 each historic horse race prior to the patron making his or her selection.

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1 (d) The terminal shall display a replay of each race, or a portion thereof, whether digital,
2 animated, or by way of a video recording, and the official results of each race. The identity of each
3 race shall be revealed to the patron after the patron has placed his or her wager.

4 (e) The outcome of each wager is based solely on the outcome of the historic horse race or
5 races; no random elements may determine the outcome of the patron's wager.

6 (f) The terminals have been tested by an independent testing laboratory, approved by
7 the commission, to ensure integrity and proper working order.

8 (g) Each terminal makes available pari-mutuel wagering pool amounts that the patron
9 may receive for a winning wager.

10 (h) A terminal shall not accept a wager in excess of \$25.

11 (i) Each licensee shall submit a responsible gaming plan to the lottery commission for
12 review and approval prior to activating any historic horse race terminal, and every year thereafter.
13 Such plan shall include identification of postings and materials related to problem gaming to be
14 made available to patrons expressing concerns about problem gaming, house imposed player limits,
15 and self-exclusion plans.

16 IV. Racing officials or any employee or owner of the entity that provides the totalizator
17 system to the licensee, and any person responsible for the operation of the electronic reproduction
18 equipment which operates the historic horse races and wagering shall be prohibited from
19 participating in wagering, directly or indirectly, on historic horse races offered at the licensee's
20 facility.

21 V. The licensee commission on all historic horse race pari-mutuel pools shall be at a rate of
22 not greater than 12 percent. In addition to the above commission, 100 percent of the odd cents of all
23 redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10,
24 known as breakage, shall be paid to the lottery commission and used as payment for problem gaming
25 services.

26 VI. The lottery commission shall adopt rules under RSA 541-A governing historic horse
27 racing machines.

28 VII. No historic horse racing machine shall be operated except within the facility of a
29 licensee during the facility's hours of play of charitable games.

30 296 Authorization; Sale of Tickets; Advertising. Amend RSA 284:21-h, VI to read as follows:

31 VI. The commission shall not authorize the use of any electronic gaming device in any game,
32 lottery, or other offering which was not in use by the commission on or before January 1, 2011,
33 unless specific authorization for such electronic gaming device is enacted by the general court.
34 Electronic gaming devices shall mean and include all electro-mechanical instruments and device
35 used for the purpose of gaming and shall include video slot machines and other gambling devices
36 which function or are designed to emulate a video slot machines or other gaming machine, [~~historic
37 racing machine,~~] and computer technology to reveal instant ticket winners. This section shall not be

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1 interpreted to prohibit the commission from replacing offerings, games, or equipment which were in
2 service prior to January 1, 2011 with new offerings, games, or equipment which are the functional
3 equivalent of those offerings, games, or equipment which are being replaced.

4 297 New Paragraph; Authorization; Sale of Tickets; Advertising. Amend RSA 284 by inserting
5 after paragraph VII the following new paragraph:

6 VIII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers on
7 historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers
8 meet the requirements of this chapter. Historic horse racing machines shall be programmed and
9 operated for pari-mutuel wagering only.

10 298 New Subparagraph; Tax; Pari-mutuel; Historic Horse Racing. Amend RSA 284:23, I by
11 inserting after subparagraph (c) the following new subparagraph:

12 (d) Each person, association, or corporation licensed to conduct historic horse race
13 wagering shall collect a sum equal to 25 percent of revenues generated from historic horse race pari-
14 mutuel pools after breakage and payment of winnings to patrons. Each licensee that conducts
15 wagering on historic horse races shall distribute 35 percent of the amount collected under this
16 paragraph to charitable organizations with whom the licensee contracts on each licensed game date.

17 Charitable organizations from within the executive council district where the licensee is located
18 shall be given preference, and no charitable organization shall be eligible for more than 10 dates of
19 revenue under this section, within a 12 month period. Each licensee operating historic horse racing
20 machines must contract with 2 licensed charitable organizations for each game date. The remainder
21 of the total amount collected by the licensee under this paragraph shall be paid to the lottery
22 commission for use according to the special fund established under RSA 284:21-j.

23 299 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

24 284:31 Unclaimed Ticket Money. On or before January 31 of each year every person,
25 association, or corporation conducting a race or race meet, whether live racing, ~~or~~ simulcast racing,
26 **or historic horse racing** hereunder shall pay to the state treasurer all moneys collected during the
27 previous year of pari-mutuel pool tickets and vouchers which have not been redeemed. The books or
28 records of said person, association, or corporation, which clearly show the tickets entitled to
29 reimbursement in any given race, live, ~~or~~ simulcast, **or historic**, shall be forwarded to the lottery
30 commission. Such moneys shall become a part of the special fund established in RSA 284:21-j. The
31 state treasurer shall pay the amount due on any ticket or voucher to the holder thereof from funds
32 not otherwise appropriated upon an order from the lottery commission. Pari-mutuel tickets and
33 vouchers which remain unclaimed after 11 months shall not be paid. Vouchers shall be remitted to
34 the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed
35 voucher.

36 300 Licensed Facilities; Eligible in 2024. RSA 284:22-b, II is repealed and reenacted to read as
37 follows:

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1 II. A game operator employee licensed under RSA 287-D may sell pari-mutuel pools on
2 historic horse races provided such sales are within the enclosure of the facility at which the licensee
3 holds its licensed activities under RSA 287-D. A licensee seeking to offer wagers on historic horse
4 races shall apply for a license pursuant to RSA 284. An application that is approved by the lottery
5 commission, and a license that is granted shall not be permitted to be transferred or sold.

6 301 Effective Date.

7 I. Section 300 of this act shall take effect July 1, 2024.

8 II. Sections 291-299 of this act shall take effect upon its passage.

9 302 New Paragraph; Unemployment Compensation; Fraud Detection. Amend RSA 282-A:118
10 by inserting after paragraph VII the following new paragraph:

11 VIII. That for the purpose of preventing and detecting fraud in the unemployment
12 compensation system as well as efficiently coordinating and streamlining integrity improvement
13 efforts, the commissioner of the department of employment security may enter into an agreement
14 with the National Association of State Workforce Agencies' Center for Employment Security
15 Education and Research, Inc. (CESER) as agent for the United States Department of Labor
16 (USDOL) for participation in the Integrity Data Hub (IDH). The department's participation in IDH
17 and any resulting use of confidential data by USDOL and CESER shall be in accordance with all
18 state laws, federal laws as well as state and federal regulations pertaining to prevention and
19 detection of fraud, waste, and abuse in the unemployment compensation system. The information
20 thus provided by the department to the IDH shall be used solely for administration of state and
21 federal unemployment compensation laws. Information under this paragraph shall only be provided
22 upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in
23 place.

24 303 New Section; State Liquor Stores; Agency Store. Amend RSA 177 by inserting after section
25 9 the following new section:

26 177:9-a Agency Liquor Store; License Fee. The fee for an agency store license shall be as
27 determined in RSA 178:29, II(c).

28 304 Liquor Licenses; Off-Premises Fees. Amend the introductory paragraph of RSA 178:29, II to
29 read as follows:

30 II. Off-premises licenses shall pay *one of* the following applicable fees annually:

31 305 New Subparagraph; Liquor Licenses; Retail Tobacco. Amend RSA 178:29, II by inserting
32 after subparagraph (d) the following new subparagraph:

33 (e) Retail tobacco license:

34 (1) 1 register, \$216

35 (2) 2-3 registers, \$408

36 (3) 4 or more registers, \$648

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1 306 Repeal; Liquor License Fee; Retail Tobacco. RSA 178:29, V-a(a), relative to the fee for a
2 retail tobacco license, is repealed.

3 307 Retail Tobacco License. Amend RSA 178:19-a to read as follows:

4 178:19-a Retail Tobacco License.

5 I. The commission may issue a retail tobacco license to a person engaged in the business of
6 retail sales and distribution of tobacco products ***including e-cigarettes*** in this state. Each retail
7 outlet shall have a separate license regardless of the fact that one or more outlets may be owned or
8 controlled by a single person.

9 ***I-a. The commission may issue a retail tobacco license to any business holding a***
10 ***license to sell alcoholic beverages under RSA 178 for an additional fee of \$6 per licensed***
11 ***location.***

12 II. A retail tobacco license shall be prominently displayed on the premises described in it.

13 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
14 which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco
15 products or e-cigarettes to persons under age 21. Warning: violators of these provisions may be
16 subject to a fine."

17 ***IV. All sales of tobacco, including e-cigarettes, shall be recorded on cash registers.***
18 ***No additional registers shall be added during the remainder of the year without prior***
19 ***approval of the commission. No rebate shall be allowed for cash registers discontinued***
20 ***during the license year.***

21 ***V. The fee for a retail tobacco license shall be as determined in RSA 178:29, II(e).***

22 308 New Paragraph; On-Premises Cigar, Beverage, and Liquor License; Fee. Amend RSA
23 178:20-a by inserting after paragraph IV the following new paragraph:

24 V. The fee for an on-premises cigar, beverage, and liquor license shall be as determined in
25 RSA 178:29, I.

26 309 New Paragraph; Combination License; Fee. Amend RSA 178:18 by inserting after
27 paragraph III the following new paragraph:

28 IV. The fee for a combination license shall be as determined in RSA 178:29, II(b).

29 310 New Paragraph; Retail Wine License; Fee. Amend RSA 178:19 by inserting after paragraph
30 IV the following new paragraph:

31 V. The fee for a retail wine license shall be as determined in RSA 178:29, II(a).

32 311 New Paragraph; Beer Specialty License; Fee. Amend RSA 178:19-d by inserting after
33 paragraph VI the following new paragraph:

34 VII. The fee for a beer specialty license shall be found in RSA 178:29, II(d).

35 312 Applicability. The provisions of sections 303-311 of this act shall be applicable on the first
36 day of the month following its effective date.

37 313 Effective Date. Sections 303-311 of this act shall take effect 60 days after its passage.

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1 314 Liquor Commission; Division of Enforcement and Licensing Renamed Division of Education
2 and Licensing. Amend RSA 176:8 to read as follows:

3 176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of
4 unclassified division directors. The directors shall be nominated by the commissioner for
5 appointment by the governor with the consent of the council and shall serve for terms of 4 years
6 dependent upon maintaining good behavior and competence. There shall be a division of marketing,
7 merchandising, and warehousing, a division of administration, and a division of [~~enforcement~~]
8 **education** and licensing. The director of the division of enforcement and licensing shall be subject
9 to a background check by the state police prior to appointment.

10 315 Liquor Commission; Liquor Investigator Renamed Liquor Specialist. Amend RSA 176:9 to
11 read as follows:

12 176:9 Liquor [~~Investigator~~] **License Specialists**; Training.

13 I. The commission may, subject to rules adopted by the director of personnel, employ and
14 dismiss liquor [~~investigators~~] **license specialists**. Liquor [~~investigators~~] **license specialists** shall,
15 under the direction of the commission, investigate any or all matters arising under this title.

16 II. [~~Any new liquor investigator employed by the commission under this section after August~~
17 ~~13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training~~
18 ~~program as provided by RSA 106-L:6, unless he or she has already completed such a program.~~

19 III.] The commissioner, deputy commissioner, assistant, or liquor [~~investigator~~] **license**
20 **specialist** may enter any place where liquor, beverages, tobacco products, e-cigarettes are sold or
21 manufactured, [~~at any time~~] **during business hours**, and may examine any license or permit issued
22 or purported to have been issued under the terms of this title. They shall make complaints for
23 violations of this title.

24 316 Closing of State Stores; Enforcement and Licensing Division Renamed. Amend RSA 177:2,
25 II to read as follows:

26 II. In order to properly reflect the operating expenses of each state store, the commission
27 shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the
28 commission. All such expenses of the commission, with the exception of the [~~enforcement~~]
29 **education** and licensing division operating expenses, shall be included in the plan and allocated to
30 all state stores on a consistent, rational basis. No later than 30 days following the closure of any
31 state liquor store, the commission shall submit a revised indirect cost allocation plan to the fiscal
32 committee of the general court and the governor and council for approval.

33 317 Liquor/Wine/Beverage Warehouse License; Division of Enforcement and Licensing
34 Renamed. Amend RSA 178:11, V to read as follows:

35 V. Liquor/wine/beverage warehouseurs shall submit a monthly report both to the liquor
36 commission [~~enforcement~~] **education** and licensing division and the marketing, merchandising, and

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1 warehousing division of the commission by the tenth day of the following month indicating the
2 quantity, type, size, and brands of all product received, stored, or shipped on their premises.

3 318 On-Premises Cocktail Lounge Licenses; Enforcement and Licensing Division Renamed.
4 Amend RSA 178:22,V(h)(12) to read as follows:

5 (12) Violations of subparagraph (11) of this subparagraph shall be investigated by
6 the [~~enforcement~~] **education** division of the liquor commission and directed to the department of
7 justice for examination of issues unrelated to this title.

8 319 Alcohol Consultant; Enforcement and Licensing Division Renamed. Amend the
9 introductory paragraph of RSA 178:27-a, VI to read as follows:

10 VI. Alcohol consultants shall register each educational event with the liquor commission-
11 division of [~~enforcement~~] **education** and licensing. The commission shall adopt rules, pursuant to
12 RSA 541-A, relative to:

13 320 Fees; Expiration Dates; Enforcement and Licensing Division Renamed. Amend RSA 178:29,
14 VIII(b) to read as follows:

15 (b) After one year, a licensee may select the anniversary month in which to renew a
16 license. A licensee may change the anniversary renewal month of a license once by making a written
17 request to the director of [~~enforcement~~] **education** and licensing. A licensee who changes the
18 anniversary renewal month of a license shall not change the anniversary renewal month for a period
19 of 3 years from the selected month. Nothing in this paragraph shall be construed to be contrary to
20 the provisions of RSA 178:3 or commission rules.

21 321 Transportation of Beverages and Wine; Liquor Investigators Renamed. Amend RSA 179:15
22 to read as follows:

23 179:15 Transportation of Beverages and Wine. A person may transport or deliver beverages and
24 wines in this state without a license, provided such beverages and wines were obtained as
25 authorized by this title and provided such beverages and wines are for consumption only and not for
26 resale purposes. Licensees may transport and deliver to their place of business beverages and wines
27 purchased as authorized under this title, and, except on-premises licensees, may transport and
28 deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles
29 operated under the control of themselves or of their employees or agents, provided that the owner of
30 such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on
31 behalf of the licensee for whom they are transporting such beverages and wines. Every person
32 operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the
33 license in the vehicle so operated, and shall carry such evidence as the commission by rule may
34 prescribe showing the origin and destination of the beverages and wines being transported or
35 delivered. Upon demand of any [~~law enforcement officer, investigator~~] **liquor license specialist**, or
36 employee of the commission, the person operating such vehicle shall produce for inspection a copy of
37 the license and the evidence required by this section. Failure to produce such license or evidence

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1 shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided,
2 beverages and wines may be transported within the state only by a railroad or steamboat
3 corporation or by a person regularly and lawfully conducting a general express or trucking business,
4 and in each case holding a valid carrier's license issued by the commission. Nothing in this section
5 shall prohibit individual retail licensees from arranging for the delivery of wine products to a
6 location central for the parties involved.

7 322 Retention of Invoices and Sale and Delivery Slips; Liquor Investigators Renamed. Amend
8 RSA 179:35 to read as follows:

9 179:35 Retention of Invoices and Sale and Delivery Slips. All invoices, sales slips and delivery
10 slips, current and covering a period of 60 days prior to the current date pertaining to purchases of
11 beverages and liquor shall be retained by the licensee on the premises or be readily available for
12 examination by the commission or its liquor ~~[investigators]~~ **license specialists**.

13 323 Prosecutions; Liquor; January 1, 2022. RSA 179:59 is repealed and reenacted to read as
14 follows:

15 179:59 Prosecutions. Any person violating the provisions of any law under Title XIII may be
16 prosecuted by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

17 324 Interference with Liquor Investigators; Renamed Liquor License Specialists. Amend RSA
18 179:60 to read as follows:

19 179:60 Interference With Liquor ~~[Investigators]~~ **License Specialists**. It shall be unlawful to
20 ~~[resist or attempt to resist arrest by a liquor investigator]~~, or to obstruct, or to intimidate or interfere
21 with a liquor ~~[investigator]~~ **license specialist** in the performance of his **or her** duty. Any person
22 who violates any of the provisions of this section shall be guilty of a misdemeanor.

23 325 Enforcement and Licensing Renamed. Amend RSA 21-J:14, V(d)(9) to read as follows:

24 (9) An officer or employee of the division of enforcement of the liquor commission,
25 pursuant to an agreement for exchange of information between the department and the division of
26 ~~[enforcement]~~ **education and licensing**, for the purposes of, and only to the extent necessary for,
27 the administration and enforcement of RSA 78:16. Officers or employees of the division of
28 ~~[enforcement]~~ **education and licensing** having any confidential and privileged department
29 information obtained from the department pursuant to the exchange agreement authorized under
30 this subparagraph shall be subject to the provisions of this section.

31 326 Enforcement and Licensing Division Renamed. Amend RSA 94:1-a, I(a) GG to read as
32 follows:

33 GG Liquor commission director of ~~[enforcement]~~ **education** and licensing

34 327 Enforcement and Licensing Division Renamed. Amend RSA 179:13, V to read as follows:

35 V. Each wholesale distributor, brew pub licensee, nano brewery, or beverage manufacturer
36 shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in
37 making payment of accounts. Notification shall be delivered in writing to the licensee by a

1 representative of the wholesaler, brew pub licensee, nano brewery, or beverage manufacturer. Proof
2 of notification shall be forwarded to the commission, whose [~~enforcement~~] **education and licensing**
3 division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and
4 shall forward a report of violation for administrative action. Any license issued to any business
5 violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of
6 accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew
7 pub licensee's, nano brewery's, or beverage manufacturer's notification, providing the requirements
8 of this section have been met.

9 328 Repeal. RSA 176:10, relative to preferences for war veterans, is repealed.

10 329 Effective Date. Section 323 of this act shall take effect January 1, 2022.

11 330 New Chapter; Propagation of Divisive Concepts Prohibited. Amend RSA by inserting after
12 chapter 10-B the following new chapter:

13 CHAPTER 10-C

14 PROPAGATION OF DIVISIVE CONCEPTS PROHIBITED

15 10-C:1 Definitions. In this chapter:

16 I. "Contractor" means any and all persons, individuals, corporations, or businesses of any
17 kind that in any manner have entered into a contract, or perform a subcontract pursuant to a
18 contract, with the state of New Hampshire.

19 II. "Divisive concept" means the concept that:

20 (a) One race or sex is inherently superior to another race or sex;

21 (b) The state of New Hampshire or the United States is fundamentally racist or sexist;

22 (c) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or
23 oppressive, whether consciously or unconsciously;

24 (d) An individual should be discriminated against or receive adverse treatment solely or
25 partly because of his or her race or sex;

26 (e) Members of one race or sex cannot and should not attempt to treat others without
27 respect to race or sex;

28 (f) An individual's moral character is necessarily determined by his or her race or sex;

29 (g) An individual, by virtue of his or her race or sex, bears responsibility for actions
30 committed in the past by other members of the same race or sex;

31 (h) Any individual should feel discomfort, guilt, anguish, or any other form of
32 psychological distress on account of his or her race or sex; or

33 (i) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by
34 a particular race to oppress another race.

35 (j) The term "divisive concepts" includes any other form of race or sex stereotyping or
36 any other form of race or sex scapegoating.

1 III. “Race or sex stereotyping” means ascribing character traits, values, moral and ethical
2 codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or
3 sex.

4 IV. “Race or sex scapegoating” means assigning fault, blame, or bias to a race or sex, or to
5 members of a race or sex because of their race or sex. It similarly encompasses any claim that,
6 consciously or unconsciously, and by virtue of his or her race or sex, members of any race are
7 inherently racist or are inherently inclined to oppress others, or that members of a sex are
8 inherently sexist or inclined to oppress others.

9 V. “The state of New Hampshire” means all agencies and political subdivisions of the state
10 of New Hampshire, including counties, cities, towns, school districts, and the state university
11 system.

12 VI. “Student” means any and all students of any school district, school, college, or university
13 which receives grants, funds, or assets from the state of New Hampshire.

14 10-C:2 Unlawful Propagation of Divisive Concepts.

15 I. Requirements for the state of New Hampshire:

16 (a) The state of New Hampshire shall not teach, instruct, or train any employee,
17 contractor, staff member, student, or any other individual or group, to adopt or believe any of the
18 divisive concepts defined in RSA 10-C:1, II.

19 (b) No employee, contractor, staff member, or student of the state of New Hampshire
20 shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse,
21 embrace, confess, act upon, or otherwise assent to the divisive concepts defined in RSA 10-C:1, II.

22 II. Requirements for government contractors:

23 (a) All state contracts entered into on or after the effective date of this chapter shall
24 include the following provision:

25 "During the performance of this contract, the contractor agrees as follows:

26 The contractor shall not use any workplace training that inculcates in its employees any form of race
27 or sex stereotyping or any form of race or sex scapegoating, including the concepts that: (a) one race
28 or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or
29 sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual
30 should be discriminated against or receive adverse treatment solely or partly because of his or her
31 race or sex; (d) members of one race or sex cannot and should not attempt to treat others without
32 respect to race or sex; (e) an individual’s moral character is necessarily determined by his or her race
33 or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed
34 in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt,
35 anguish, or any other form of psychological distress on account of his or her race or sex; or (h)
36 meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular
37 race to oppress another race. The term “race or sex stereotyping” means ascribing character traits,

1 values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual
2 because of his or her race or sex, and the term “race or sex scapegoating” means assigning fault,
3 blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.”

4 (b) The contractor shall send to each labor union or representative of workers with
5 which the contractor has a collective bargaining agreement or other contract or understanding, a
6 notice, to be provided by the agency contracting officer, advising the labor union or workers’
7 representative of the contractor’s commitments under this section, and shall post copies of the notice
8 in conspicuous places available to employees and applicants for employment.

9 (c) In the event of the contractor’s noncompliance with the requirements of this section,
10 or with any rules, regulations, or policies that may be promulgated in accordance with this section,
11 the contract may be canceled, terminated, or suspended in whole or in part and the contractor may
12 be declared ineligible for further government contracts.

13 (d) The contractor shall include the provisions of this section in every subcontract or
14 purchase order unless exempted by rules, regulations, or policies of the department of administrative
15 services, so that such provisions shall be binding upon each subcontractor or vendor. The contractor
16 shall take such action with respect to any subcontract or purchase order as may be directed by the
17 department of administrative services as a means of enforcing such provisions including sanctions
18 for noncompliance.

19 III. The department of administrative services, or an agency designated by the department
20 of administrative services, is directed to investigate complaints received alleging that a state
21 contractor is utilizing such training programs in violation of the contractor’s obligations under the
22 binding provisions of this section. The department shall take appropriate enforcement action and
23 provide remedial relief, as appropriate.

24 IV. The heads of all agencies shall review their respective grant programs and identify
25 programs for which the agency may, as a condition of receiving such a grant, require the recipient to
26 certify that it will not use state funds or assets to promote any of the divisive concepts defined in
27 RSA 10-C:1, II.

28 V. Requirements for agencies.

29 (a) The fair and equal treatment of individuals is an inviolable principle that must be
30 maintained in the state workplace. Agencies should continue all training that will foster a
31 workplace that is respectful of all employees. Accordingly:

32 (1) The head of each agency shall use his or her authority under to ensure that the
33 agency, agency employees while on duty status, and any contractors hired by the agency to provide
34 training, workshops, forums, or similar programming, for purposes of this section, "training," to
35 agency employees do not teach, advocate, act upon, or promote in any training to agency employees
36 any of the divisive concepts listed in RSA 10-C:1; and

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1 (2) Agency diversity and inclusion efforts shall, first and foremost, encourage agency
2 employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic
3 protected by federal or state law.

4 (b) The commissioner of the department of administrative services, pursuant to RSA
5 541-A, shall develop regulations for the enforcement of the provisions of this statute.

6 (c) Each agency head shall:

7 (1) Issue a policy incorporating the requirements of this chapter into agency
8 operations, including by making compliance with the policy a provision in all agency contracts;

9 (2) Request that the agency thoroughly review and assess not less than annually
10 thereafter, agency compliance with the requirements of the policy in the form of a report submitted
11 to the department of administrative services; and

12 (3) Assign at least one senior political appointee responsibility for ensuring
13 compliance with the requirements of the policy.

14 VI. Review of agency training.

15 (a) All training programs for state agency employees relating to diversity or inclusion
16 shall, before being used, be reviewed by the department of administrative services for compliance
17 with the requirements of RSA 10-C:2, V.

18 (b) If a contractor provides a training for agency employees relating to diversity or
19 inclusion that teaches, advocates, or promotes the divisive concepts defined in RSA 10-C:1, II, and
20 such action is in violation of the applicable contract, the agency that contracted for such training
21 shall evaluate whether to pursue debarment of that contractor, consistent with applicable law and
22 regulations.

23 10-C:3 General Provisions.

24 I. Nothing in this chapter shall prevent agencies or contractors from promoting racial,
25 cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the
26 requirements of this chapter.

27 II. Nothing in this chapter shall be construed to prohibit discussing, as part of a larger
28 course of academic instruction, the divisive concepts listed in RSA 10-C:1, II in an objective manner
29 and without endorsement.

30 III. If any provision of this chapter, or the application of any provision to any person or
31 circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions
32 to any other persons or circumstances shall not be affected thereby.

33 331 Effective Date. Section 330 of this act shall take effect January 1, 2022.

34 332 Application of Emergency Orders.

35 I. The state hereby recognizes that the issuance of multiple executive orders may have
36 created undue hardship or confusion and contributed to the stressful environment for business
37 operations, particularly small business entities. The penalties associated with violations of these

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1 orders, while issued in the interest of public health, should not unduly penalize law-abiding
2 businesses.

3 II. Notwithstanding any provision of law to the contrary, state, county, and local
4 jurisdictions shall not enforce, and shall reverse, any violation of the governor's emergency orders
5 regarding the COVID-19 pandemic.

6 III. Any business fines issued under executive or emergency orders issued in response to
7 COVID-19 or in accordance with RSA 4:47 shall be refunded. The governor is hereby authorized to
8 draw a warrant for up to \$10,000 for this purpose out of any money in the treasury not otherwise
9 appropriated.

10 IV. The attorney general shall request that the court dismiss any pending enforcement
11 action related to violation of an emergency order issued by the governor in response to the COVID-19
12 pandemic.

13 V. Any record of violation or written warning for such violations shall be expunged if
14 requested in writing, and such records shall not be admissible in any subsequent or future court
15 proceeding. Notwithstanding the provisions of RSA 651:5, IX, there shall be no charge to the
16 petitioner for expungement of these records.

17 333 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the
18 following new sections:

19 437:8-a Animal Records Database Established.

20 I. The department of agriculture, markets, and food shall design, establish, and contract
21 with a third party for the implementation and operation of an electronic system to facilitate the
22 handling of animal records.

23 II. The department shall maintain a reporting system capable of receiving electronically
24 transmitted records from veterinarians. The commissioner shall adopt rules under RSA 541-A to
25 govern methods of obtaining, compiling, and maintaining such information he or she deems
26 necessary to manage such database including procedures for providing authorized access. The
27 commissioner shall also ensure that the database is secure from unauthorized access or use.

28 III. The commissioner may issue a waiver to a veterinarian who is unable to submit
29 information by electronic means. Such waiver may permit the veterinarian to submit information by
30 paper form or other means, provided all information required by RSA 437:8 is submitted in this
31 alternative format and within the established time limit.

32 IV. The commissioner may grant a reasonable extension to a veterinarian who is unable, for
33 good cause, to submit all the information required by RSA 437:8 within the established time limits.
34 Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be
35 immune from any civil or criminal liability as the result of such good faith reporting.

36 V. There is established a nonlapsing fund to be known as the animal records database fund
37 in the department of agriculture, markets, and food which shall be kept distinct and separate from

1 all other funds. All moneys in the animal records database fund shall be nonlapsing and continually
2 appropriated to the commissioner, and except as otherwise provided in law, shall be used for the
3 purpose of administering and maintaining the animal records database established in this section.
4 The database fund shall draw moneys only from grants and appropriations.

5 VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the
6 agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA
7 435:20,V, and the integrated pest management fund established under RSA 430:50, as provided in
8 RSA 430:50, IV.

9 437:8-b Confidentiality.

10 I. Information contained in the animal records database under RSA 437:8-a, information
11 obtained from it, and information contained in the records of requests for information from the
12 database, shall be confidential, and shall not be a public record or otherwise subject to disclosure
13 under RSA 91-A, and shall not be subject to discovery, subpoena, or other means of legal compulsion
14 for release. Such information shall not be shared with an agency or institution, except as provided
15 in this subdivision.

16 II. Information submitted to the animal records database is exempt from public disclosure.
17 Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not
18 affect the disclosure of information used in official local, state, or federal animal health
19 investigations or pet vendor license investigations under this chapter. Database records,
20 information, or lists may be made available pursuant to a court order on a case-by-case basis. Any
21 information, record, or list received pursuant to this paragraph shall not be transferred or otherwise
22 made available to any other person or listed entity not authorized under this paragraph.

23 III. The department shall establish and maintain procedures to ensure the privacy and
24 confidentiality of animal and animal owner information.

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

28 V. No animal records database records, information, or lists shall be sold, rented,
29 transferred, or otherwise made available in whole or in part, in any form or format, directly or
30 indirectly, to another person.

31 VI. Certificates of transfer shall be removed from the animal records database after 4 years.

32 VII. Any person who knowingly accesses, alters, destroys, publishes, or discloses animal
33 records database information except as authorized in this section or attempts to obtain such
34 information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

35 VIII. Nothing in this section shall limit the right of a person damaged by a violation to
36 pursue any other appropriate cause of action.

1 334 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as
2 follows:

3 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

4 I. For purposes of this chapter, an official certificate of transfer means an electronic record
5 electronically submitted to the animal records database by a licensed veterinarian, containing the
6 name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender,
7 breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or
8 ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of
9 communicable diseases or internal or external parasites. A list of all vaccines and medication
10 administered to the dog, cat, or ferret shall be included in the certificate.

11 II. The electronically submitted certificate of transfer shall be considered the official
12 certificate of transfer. A copy of the certificate of transfer of the dog, cat, or ferret offered for
13 transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and
14 made available for inspection by the department, local officials, or a member of the public upon
15 request up to one year after the animal has left the facility. The public shall be informed of their
16 right to inspect a copy of the certificate of transfer for each dog, cat, or ferret offered for transfer by a
17 sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a
18 dog, cat, or ferret, a copy of that animal's certificate of transfer shall be given to the transferee in
19 addition to any other documents which are customarily delivered to the transferee.

20 III. For purposes of this chapter, an official certificate of transfer waiver means an electronic
21 record electronically submitted to the animal records database provided in lieu of an official
22 certificate of transfer for a dog, cat, or ferret that has failed the examination for an official certificate
23 of transfer because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus.
24 The waiver shall contain the name and address of the entity transferring ownership of the dog, cat,
25 or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical
26 description of the dog, cat, or ferret; the reason for failure of the examination for the official
27 certificate of transfer; and the signature of the transferee indicating that the transferee has
28 knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and
29 medication administered to the dog, cat, or ferret shall be included in the certificate of transfer
30 waiver. The waiver shall be submitted electronically to the animal records database by a New
31 Hampshire licensed veterinarian.

32 IV. No person, firm, corporation, or other entity shall ship or bring into the state of New
33 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
34 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
35 ferret less than 8 weeks of age.

1 V. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
2 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian
3 separated from other animals on the premises before being offered for transfer.

4 VI. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements
5 of this section relative to transferring dogs, cats, and ferrets except that:

6 (a) All animal shelter facilities shall have on premises a microchip scanner and shall
7 maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or
8 microchip registries.

9 (b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos,
10 ear tags, or other permanent forms of positive identification and shall scan for a microchip upon
11 admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to
12 transferring ownership of an unclaimed or abandoned animal.

13 VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
14 without first being protected against infectious diseases using vaccines approved by the state
15 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
16 unless accompanied by a copy of the official certificate of transfer or official certificate of transfer
17 waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the
18 transferred animal is accompanied by a copy of the official certificate of transfer or official certificate
19 of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall
20 reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and
21 the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or
22 her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it
23 shall be prima facie evidence of transfer.

24 335 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting
25 after subparagraph (364) the following new subparagraph:

26 (365) Moneys deposited in the animal records database fund established in RSA
27 437:8-a, V.

28 336 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend
29 RSA 435:20 by inserting after paragraph IV the following new paragraph:

30 V. The commissioner shall transfer funds from the agricultural product and scale testing
31 fund established under RSA 435:20, IV to the animal records database fund established in RSA
32 437:8-a to develop and make operational the animal records database. The commissioner shall
33 certify to the secretary of state and the director of the office of legislative services the date on which
34 the animal records database is operational. For 2 years after such certification, if needed for
35 database operation and maintenance, the commissioner may continue to transfer additional funds
36 from the agricultural product and scale testing fund to the animal records database fund for this
37 purpose.

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1 337 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA
2 430:50 by inserting after paragraph III the following new paragraph:

3 IV. The commissioner shall transfer funds from the integrated pest management fund
4 established in this section to the animal records database fund established in RSA 437:8-a to develop
5 and make operational the animal records database. The commissioner shall certify to the secretary
6 of state and the director of the office of legislative services the date on which the animal records
7 database is operational. For 2 years after such certification, if needed for database operation and
8 maintenance, the commissioner may continue to transfer additional funds from the integrated pest
9 management fund to the animal records database fund for this purpose.

10 338 Repeals. The following are repealed:

11 I. RSA 430:50, IV, relative to the authority of the commissioner of the department of
12 agriculture, markets, and food to transfer funds from the integrated pest management fund.

13 II. RSA 435:20, V, relative to the authority of the commissioner of the department of
14 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

15 339 Applicability; Effective Dates.

16 I. Section 334 of this act shall take effect 90 days after the commissioner of the department
17 of agriculture, markets, and food certifies to the secretary of state and the director of the office of
18 legislative services that the animal records database established in RSA 437:8-a is operational.

19 II. Section 338 of this act shall take effect 2 years from the date on which the commissioner
20 of the department of agriculture, markets, and food certifies to the secretary of state and the director
21 of the office of legislative services, that the animal records database established in RSA 437:8-a is
22 operational.

23 340 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby
24 appropriated to the department of agriculture, markets, and food for the maintenance of the animal
25 records database. These appropriations are in addition to any other funds appropriated to the
26 department of agriculture, markets, and food. The governor is authorized to draw a warrant for said
27 sum out of any money in the treasury not otherwise appropriated.

28 341 Position Established. The classified position of IT manager III is established in the
29 department of information technology to develop and administer the animal records database
30 established in RSA 437:8-a.

31 342 Effective Date.

32 I. Section 334 of this act shall take effect as provided in paragraph I of section 339 of this
33 act.

34 II. Section 338 of this act shall take effect as provided in paragraph II of section 339 of this
35 act.

36 343 Community College System of New Hampshire; Dual and Concurrent Enrollment Program.
37 Amend RSA 188-E:25 through 188-E:29 to read as follows:

1 188-E:25 Definitions. In this subdivision:

2 I. ***"CCSNH" means the community college system of New Hampshire.***

3 **II.** "Concurrent enrollment" means courses taught at the high school by high school teachers
4 approved by [~~the community college system of New Hampshire (CCSNH)~~] ***CCSNH*** in which high
5 school students earn both high school and college or university credit while students are still
6 attending high school or a career technical education center.

7 [~~II.~~] **III.** "Dual enrollment" means college courses taught by instructors from [~~the community~~
8 ~~college system of New Hampshire (CCSNH)~~] ***CCSNH*** in which high school students earn college
9 credit while students are still enrolled in high school or a career technical education center.

10 188-E:26 Program Established. There is established a dual and concurrent enrollment program
11 in [~~the department of education~~] ***CCSNH***. Participation in the program shall be offered to high
12 school and career technical education center students in grades 10 through 12. The program shall
13 provide opportunities for qualified New Hampshire high school students to gain access and support
14 for dual and concurrent enrollment in STEM (science, technology, engineering, and mathematics)
15 and STEM-related courses that are fundamental for success in postsecondary education and to meet
16 New Hampshire's emerging workforce needs.

17 188-E:27 Enrollment Requirements.

18 I. An interested high school student in grades 10 through 12 may enroll in a course that is
19 designated by [~~the~~] ***CCSNH*** as part of the dual and concurrent enrollment program.

20 II. A student in the program shall be provided funding for enrollment in no more than 2 dual
21 or concurrent enrollment courses taken in grade 10, no more than 2 dual or concurrent enrollment
22 courses taken in grade 11, and no more than 2 dual or concurrent enrollment courses taken in grade
23 12. A student may take more than 2 dual or concurrent enrollment courses per year at his or her
24 own expense.

25 III.(a) The state shall pay the current rate of concurrent enrollment tuition, which is
26 established at \$150 per course, to the ***CCSNH*** institution where a high school or career and technical
27 education student successfully completes the concurrent enrollment course.

28 (b) The state shall pay the current rate of dual enrollment tuition, which is established
29 at 1/2 the regular cost of the course, to the ***CCSNH*** institution where a high school or career and
30 technical education student successfully completes a dual enrollment course and [~~the~~] ***CCSNH*** shall
31 accept such amount as full payment for course tuition.

32 IV. Each high school should provide a designated individual to serve as the point of contact
33 on matters related to the program, including but not limited to, student counseling, support services,
34 course scheduling, managing course forms and student registration, program evaluation, course
35 transferability, and assisting with online courses. Each high school shall annually notify all high
36 school students and their parents of dual and concurrent enrollment opportunities.

37 188-E:28 School Board Policy.

1 I. No later than July 1, 2018, the school board of each school district shall develop and adopt
2 a policy permitting students residing in the district who are in grade 11 or 12 to participate in the
3 dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with
4 measurable educational standards and criteria approved by ~~[the]~~ CCSNH and that meet the same
5 standard of quality and rigor as courses offered on campus by ~~[the]~~ CCSNH. The policy shall also
6 comply with the standards for accreditation and program development established by the National
7 Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to,
8 student eligibility criteria, standards for course content, standards for faculty approval, program
9 coordination and communication requirements, tuition and fees, textbooks and materials, course
10 grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and
11 process for renewal of the agreement.

12 II. The department of education and ~~[the]~~ CCSNH shall develop and approve a model dual
13 and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a
14 school district participating in the dual and concurrent enrollment agreement program. The model
15 agreement shall include standards established by ~~[the]~~ CCSNH, shall include elements, standards,
16 and criteria that have been approved by the department of education and CCSNH, and shall serve as
17 the framework for the development, implementation, and administration of the dual and concurrent
18 enrollment program in each school district by clearly defining the procedures related to concurrent
19 and dual enrollment of high school students in college classes. ~~[The department]~~ **CCSNH** shall
20 further develop guidelines for the program relating to reporting, accountability, and payment of
21 available funds to ~~[the]~~ CCSNH.

22 188-E:29 Budget Requests. The ~~[commissioner of the department of education]~~ **chancellor of**
23 **CCSNH, or his or her designee**, shall submit expenditure requests in accordance with RSA ~~[9:4]~~
24 **9:4-e** to fund the dual and concurrent enrollment program established in this subdivision.

25 344 Dual and Concurrent Enrollment Program; Appropriation. The sums of \$1,500,000 for the
26 fiscal year ending June 30, 2022, and \$1,500,000 for the fiscal year ending June 30, 2023, are hereby
27 appropriated to community college system of New Hampshire for the purpose of funding and
28 administering the dual and concurrent enrollment program under RSA 188-E:26. This
29 appropriation shall be in addition to any other funds appropriated to the community college system
30 of New Hampshire. The governor is authorized to draw a warrant for said sums out of any money in
31 the treasury not otherwise appropriated.

32 345 School Building Aid; Annual Grant for Leased Space. Amend the introductory paragraph of
33 RSA 198:15-hh, I to read as follows:

34 I. The amount of the annual grant for a lease to any school district duly organized, any city
35 maintaining a school department within its corporate organization, any cooperative school district as
36 defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1,
37 shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the

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1 cost of leasing permanent space in a building or buildings not owned by the school district or school
2 administrative unit which is used for the operation of a high school vocational technical education
3 program, to the extent approved by the state board of education. For the purposes of this section,
4 the amount of the annual grant for a lease to a vocational technical education center shall be
5 calculated in the same manner as a cooperative school district. The amount of the annual grant for a
6 chartered public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of the
7 annual lease payment incurred for the cost of leasing space; provided that no annual grant for leased
8 space provided to a chartered public school in accordance with this section shall exceed [~~\$30,000~~]
9 **\$50,000** in any fiscal year. The total amount of grants to schools pursuant to this section shall not
10 exceed the state appropriation for leased space. If the amount appropriated is insufficient therefor,
11 the appropriation shall be prorated proportionally among the schools eligible for a grant. Such lease
12 agreements shall be eligible for grants under this section, provided all of the following conditions
13 apply:

14 346 New Paragraph; Ten Year Plan for Grant Projects. Amend RSA 198:15-a by inserting after
15 paragraph IV the following new paragraph:

16 V. The department of education shall develop and maintain a 10-year school facilities plan of
17 potential school building grant projects. Potential projects shall include, but not be limited to,
18 criteria pursuant to RSA 198:15-c, II(b). The 10-year plan is intended to create a method to identify
19 and enhance school facilities in a safe, healthy, and efficient manner while providing adequate
20 learning environments for New Hampshire's students. The 10-year plan shall be updated every
21 biennium to provide the department a summary of projects and school facility capital expenditures
22 that are anticipated for the next 10 years. The state board of education shall adopt rules pursuant to
23 RSA 541-A relative to this paragraph. The plan shall identify new construction, renovation, and
24 emergency projects, and describe the overall condition of projects contained in the plan.

25 347 New Paragraph; Kindergarten Adequate Education Grants. Amend RSA 198:48-b by
26 inserting after paragraph II the following new paragraph:

27 III. For the fiscal year ending June 30, 2021, and every fiscal year thereafter, the amount
28 necessary to fund the grants under this section is hereby appropriated to the department from the
29 education trust fund established in RSA 198:39. If the balance in the education trust fund is less
30 than zero, the governor is authorized to draw a warrant for sufficient funds to eliminate such deficit
31 out of any money in the treasury not otherwise appropriated. The commissioner of the department
32 of administrative services shall inform the fiscal committee and the governor and council of such
33 balance. This reporting shall not in any way prohibit or delay the distribution of kindergarten
34 adequate education grants.

35 348 Appropriation; Department of Education. The sum of \$1,906,313 for the fiscal year ending
36 June 30, 2021 is hereby appropriated to the department of education for the purpose of funding and
37 distributing additional adequate education grants under RSA 198:48-b, I and II. Of this

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1 appropriation, \$840,039 shall be for payments for those districts that would have been eligible for
2 said grants had the provisions of RSA 198:48-b, I and II, been in effect for the fiscal year ending
3 June 30, 2020. Said appropriation shall be a charge against the education trust fund and shall not
4 lapse.

5 349 Effective Date. Sections 347 and 348 of this act shall take effect June 30, 2021.

6 350 School Planning Committees; Vacancies. Amend RSA 671:33 to read as follows:

7 671:33 Vacancies.

8 I. Vacancies among members of cooperative or area school planning committees shall be
9 filled by the moderator for the unexpired term.

10 II.(a) The school board shall fill vacancies occurring on the school board, except as provided
11 in subparagraph (b), and in all other district offices for which no other method of filling a vacancy is
12 provided. Appointees of the school board shall serve until the next district election when the voters
13 of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire
14 membership of the school board, or if the remaining members are unable, by majority vote, to agree
15 upon an appointment, the selectmen of the town or towns involved shall appoint members by
16 majority vote in convention.

17 (b) In a cooperative school district, the remaining school board members representing
18 the same town or towns as the departed member shall fill a vacancy on the school board, provided
19 that there are at least 2 such members. ***A member-at-large shall also be included as a***
20 ***representative of the same town.*** If there are less than 2 remaining members on the cooperative
21 school board representing the same town or towns as the departed member, or if the remaining
22 members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or
23 towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to
24 fill the vacancy then the cooperative school district moderator shall make the appointment. A
25 member appointed to fill a vacancy under this subparagraph shall serve until the next district
26 election when the voters of the district shall elect a replacement for the unexpired term.

27 III. Vacancies in the office of moderator shall be filled by vote at a school meeting or election,
28 provided that, until a replacement is chosen, the school district clerk shall serve as moderator or
29 shall appoint a moderator pro tempore.

30 IV. In a cooperative school district, the remaining budget committee members representing
31 the same town or towns as the departed member shall fill a vacancy on the budget committee,
32 provided that there are at least 2 such members. ***A member-at-large shall also be included as***
33 ***a representative of the same town.*** If there are less than 2 remaining members on the budget
34 committee representing the same town or towns as the departed member, or if the remaining
35 members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or
36 towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to
37 fill the vacancy then the cooperative school district moderator shall make the appointment. If the

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1 vacancy is for the cooperative school board representative to the cooperative school district budget
2 committee, such vacancy shall be filled by the cooperative school board. A member appointed to fill a
3 vacancy under this subparagraph shall serve until the next district election when the voters of the
4 district shall elect a replacement for the unexpired term.

5 351 Appropriation; Education Trust Fund. There is hereby appropriated the sum of \$63,300,000
6 for the fiscal year ending June 30, 2023 to the education trust fund established in RSA 198:39. The
7 governor is authorized to draw a warrant for said sum out of any money in the treasury not
8 otherwise appropriated.

9 352 Appropriation; Department of Transportation.

10 I. There is hereby appropriated to the department of transportation the sum of \$19,000,000,
11 for the biennium ending June 30, 2023, which shall be expended pursuant to this section. The
12 governor is authorized to draw a warrant for said sum out of any money in the treasury not
13 otherwise appropriated.

14 II. The sum appropriated in this section shall be allocated as follows:

15 (a) \$4,000,000 for additional Apportionment A distributions pursuant to RSA 235:23, I.

16 (b) \$5,000,000 for the highway and bridge betterment program established in RSA
17 235:23-a.

18 (c) \$6,000,000 for the acquisition of fleet vehicles and equipment.

19 (d) \$4,000,000 to fund winter maintenance operations.

20 353 Appropriation; Department of Education.

21 I. There is hereby appropriated to the department of education the sum of \$17,278,000, for
22 the fiscal year ending June 30, 2022 and \$10,558,000 for the fiscal year ending June 30, 2023, and
23 shall be expended pursuant to this section. This appropriation shall be a charge against the
24 education trust fund and shall not lapse until June 30, 2023.

25 II. The sums appropriated in this section shall be allocated as follows:

26 (a) In the fiscal year ending June 30, 2022, \$8,000,000 to accelerate remaining school
27 building aid payments to school districts, in accordance with RSA 198:15-b, for projects approved
28 before July 1, 2012. Payments from said appropriation shall be prorated among the districts
29 entitled to funding, not to exceed the outstanding remaining grant amount for any project.

30 (b) In the fiscal year ending June 30, 2022, the amount of \$9,278,000 and in the fiscal
31 year ending June 30, 2023, the amount of \$10,558,000, for school building aid on new projects under
32 RSA 198:15-a.

33 III. The \$50,000,000 cap on school building aid grants for construction or renovation projects
34 approved by the department of education under RSA 198:15-a, IV shall be suspended for the
35 biennium ending June 30, 2023.

36 354 Education Tax Revenue; Fiscal Year 2023. For the fiscal year ending June 30, 2023, and
37 notwithstanding RSA 76:3, the commissioner of the department of revenue administration shall set

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1 the education tax rate at a level sufficient to generate revenue of \$263,000,000 when imposed on all
2 persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and
3 RSA 83-F. The education property tax rate shall be effective for tax periods beginning on or after
4 April 1, 2022. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue
5 required in this section.

6 355 Supplemental Education Payment; Fiscal Year 2023. The commissioner of education, in
7 consultation with the commissioner of the department of revenue administration, shall determine if
8 any municipality's total education grant pursuant to RSA 198:41, including all statewide education
9 property tax raised and retained locally, is decreased due to the statewide education property tax
10 reduction in section 354 of this act. Any amounts identified shall be paid to impacted municipalities
11 pursuant to the distribution schedule under RSA 198:42. The governor is authorized to draw a
12 warrant from the education trust fund to satisfy the state's obligation under this section.

13 356 Effective Date. Sections 354 and 355 of this act shall take effect April 1, 2022.

14 357 Department of Health and Human Services; Child Care Services. The commissioner of the
15 department of health and human services shall be responsible for determining, on an ongoing basis
16 through June 30, 2023, whether there is sufficient funding in account 05-95-42-421110-2977, class
17 536, to fund employment-related child care services to avoid a wait list. If at any time the
18 commissioner determines that funding is insufficient, he or she shall, to the extent allowed by
19 applicable federal regulations, utilize available federal Temporary Assistance to Needy Families
20 reserve funds to cover the amount of the shortfall. The department shall report quarterly to the
21 fiscal committee of the general court on any funds expended on employment-related child care
22 services, including funds budgeted in account 05-95-42-421110-2977 as well as federal Temporary
23 Assistance to Needy Families funds authorized by this section.

24 358 Statement of Findings. The general court finds that:

25 I. Placement in corrections settings can be harmful to children and lead to increased
26 delinquency and adult criminal behavior. It should therefore be reserved for those circumstances in
27 which the safety of a child or of the community requires such confinement.

28 II. Placement of children who are not serious violent offenders in settings other than the
29 Sununu Youth Services Center (SYSC) complies with The Families First Act, PL 115-123, and the
30 New Hampshire system of care established pursuant to 2019; 44 (SB 14), which prioritize
31 community-based treatment of children.

32 III. This act is in furtherance of these goals.

33 359 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. Amend RSA
34 169-B:14, I(e)(3) to read as follows:

35 (3) Secure detention shall ~~not~~ **only** be ordered:

36 (A) For delinquency charges which may ~~not~~ form the basis for commitment
37 under RSA 169-B:19, I(j); **or**

1 **(B) When a petition does not allege a violation of RSA 262 or RSA 637,**
2 **possession of a controlled drug without intent to sell under RSA 318-B, or any violation of**
3 **RSA 634, RSA 635, RSA 641, or RSA 644, which would be a misdemeanor if committed by an**
4 **adult.**

5 360 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. RSA 169-B:14,
6 I(e)(3) is repealed and reenacted to read as follows:

7 (3) Secure detention shall not be ordered for delinquency charges which may not
8 form the basis for commitment under RSA 169-B:19, I(j).

9 361 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

10 (j) Commit the minor to the custody of the department of health and human services for
11 the remainder of minority. Commitment under this subparagraph may only be made following
12 written findings of fact by the court, supported by clear and convincing evidence, that commitment is
13 necessary to protect the safety of the minor or of the community, and may only be made if the minor
14 has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other
15 evidence that a minor committed under this subparagraph may have a serious emotional
16 disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and
17 the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care
18 management entity shall develop and oversee the implementation of a care plan for the minor,
19 intended to reduce the period of commitment. Commitment may not be based on a finding of
20 contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the
21 proceedings from which the contempt arises. Commitment may include, but is not limited to,
22 placement by the department of health and human services at a facility certified for the commitment
23 of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or
24 administrative release consistent with the cap on youth development center population under RSA
25 621:10, provided that the appropriate juvenile probation and parole officer is notified. Commitment
26 under this subparagraph shall not be ordered as a disposition for [~~a violation of RSA 262 or 637,~~
27 ~~possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635,~~
28 ~~641, or 644, which would be a misdemeanor if committed by an adult]~~ **any offense other than first**
29 **degree murder, second degree murder, attempted murder, manslaughter, negligent**
30 **homicide under RSA 630:3, II, first degree assault, second degree assault, except when the**
31 **allegation is a violation of RSA 631:2, I(d), felonious sexual assault, aggravated felonious**
32 **sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony,**
33 **burglary while armed or involving the infliction of bodily harm under RSA 635:1, II, or**
34 **arson punishable as a felony. However, commitment may be ordered under this subparagraph**
35 **for any offense which would be a felony or class A misdemeanor if committed by an adult if the**
36 **minor has previously been adjudicated under this chapter for at least 3 offenses which would be**
37 **felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based**

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1 on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses
2 relied upon was not part of a common scheme or factual transaction with any of the other offenses
3 relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense
4 for which the minor is before the court, and that the minor was represented by counsel at each stage
5 of the prior proceedings following arraignment.

6 362 Applicability.

7 I. RSA 169-B:14, I(e)(3) and RSA 169-B:19, I(j), as amended by sections 359 and 361 of this
8 act, respectively, shall apply to cases pending on January 1, 2022 in which a dispositional order has
9 not yet been entered.

10 II. RSA 169-B:14, I(e)(3), as amended by section 360 of this act, shall apply to cases pending
11 on March 1, 2022 in which a dispositional order has not yet been entered.

12 363 Effective Date.

13 I. Section 360 of this act shall take effect March 1, 2022.

14 II. Sections 359, 361 and 362 of this act shall take effect January 1, 2022.

15 364 Sununu Youth Services Center; Closure; Transfers.

16 I. Notwithstanding any other provision, of law, the Sununu youth services center shall be
17 closed for the incarceration, detention, or admission of any child as of July 1, 2022. No child may be
18 admitted to the Sununu youth services center, or a successor state juvenile corrections facility, from
19 that date forward.

20 II. Any children committed, detained, or comprising any other status at the Sununu youth
21 services center, shall be transferred to the most clinically appropriate alternative treatment, or
22 discharged if indicated, not later than June 30, 2022.

23 III. As of July 1, 2022, the fiscal committee of the general court shall have no authority to
24 accept funds from any source to, or approve the transfer of funds to or from, any account for which
25 budgetary appropriations for or related, directly or indirectly, to the Sununu youth services center,
26 or a successor state facility, are made.

27 IV. As of July 1, 2022, and notwithstanding any other provision of law, neither the
28 department of health and human services nor any other administrative agency or authority nor
29 member of the executive branch of government shall expend or commit the expenditures of any funds
30 from any source to, directly or indirectly, fund the Sununu youth services center or a successor state
31 facility.

32 V. No agent of the state shall procure or contract with any entity to operate a private prison
33 on the grounds of the Sununu youth services center, extending to all property on the South River
34 Road site.

35 365 New Subdivision; Commission to Study the Closure of the Sununu Youth Services Center.
36 Amend RSA 170-G by inserting after section 21 the following new section:

37 170-G:22 Commission to Study the Closure of the Sununu Youth Services Center

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1 I. There is hereby established a commission to study the closure of the Sununu youth
2 services center.

3 II. The members of the commission shall be as follows:

4 (a) Two members of the house of representatives, including the chair of house committee
5 on children and family law, and a member of the house finance committee, appointed by the speaker.

6 (b) Two members of the senate, including the chair of the senate judiciary committee,
7 and a member of the senate finance committee, appointed by the senate president.

8 (c) The director of the division for children, youth, and families, or a designee.

9 (d) The director of the office of the child advocate, or a designee.

10 (e) A representative of Waypoint, appointed by Waypoint.

11 (f) A representative of the Disability Rights Center, appointed by the center.

12 III. The members of the commission shall elect a chairperson from among its members. The
13 commission shall meet to organize within 30 days of the effective date of this section. The
14 commission shall meet on a regular basis as determined by the chairperson.

15 IV. The commission shall work with the division for children, youth, and families to assure
16 appropriate actions are taken to facilitate the closure of the Sununu youth services center.

17 V. The duties of the commission shall include determining any necessary changes to the
18 division for children, youth, and families treatment system to effectively treat all children impacted
19 by the closure of the Sununu youth services center. The commission shall consider changes to
20 existing residential and community treatment resources, as well as additional contracts which may
21 be required. In all work, priority shall be given to safe and effective treatment for children. All
22 efforts shall be made to assure federal participation for treatment services provided under this act.
23 A consultant may be utilized to assist the commission.

24 VI. The report of the commission shall be published not later than September 30, 2021 for
25 use by the division for children, youth, and families to develop request for proposals or contracts as
26 required. The report shall be forwarded to the governor, the speaker of the house of representatives,
27 the senate president, and the clerks of the house and senate.

28 366 Appropriation; Department of Health and Human Services. There is hereby appropriated to
29 the department of health and human services the sum of \$100,000, for the biennium ending June 30,
30 2023, for the purpose of hiring a consultant as determined necessary by the commission established
31 by RSA 170-G:22. This appropriation shall not lapse until June 30, 2023. The governor is
32 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
33 appropriated. Funding shall be appropriated from within accounting unit 05-95-42-421010-2956.

34 367 Repeal. 170-G:22, relative to the commission to study the closure of the Sununu youth
35 services center.

36 368 Effective Date.

37 I. Section 367 of this act shall take effect June 30, 2023.

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1 II. Sections 365 and 366 of this act shall take effect upon its passage.

2 369 Appropriation; Department of Health and Human Services; Sununu Youth Services Center.
3 There is hereby appropriated to the department of health and human services the amount of
4 \$2,050,000 for the biennium ending June 30, 2023, for the general purpose of closing the Sununu
5 youth services center and related activities. These contingency funds may be used for contract
6 amendments, employee retraining, and other expenses as necessary. Of the amount appropriated,
7 \$650,000 shall be used for the placement of minors who cannot be placed in the community. The
8 governor is authorized to draw a warrant for said sum out of any money in the treasury not
9 otherwise appropriated.

10 370 Appropriation; Job Training and Incentives; Department of Health and Human Services.
11 There is hereby appropriated to the department of health and human resources the sum of \$500,000
12 for the fiscal year ending June 30, 2022 for the purpose of creating job training and incentives to fill
13 jobs which exist within state agencies with priority given to state employees displaced as a result of
14 the closure of the Sununu youth services center. This funding may not be transferred or expended
15 for other purposes and shall not lapse until June 30, 2023. The governor is authorized to draw a
16 warrant for said sum out of any money in the treasury not otherwise appropriated.

17 371 Sununu Youth Services Center; Disposal of Property by the Department of Administrative
18 Services. No later than July 1, 2022, the department of administrative services shall take possession
19 of the entire state property currently housing the Sununu youth services center (SYSC) and other
20 buildings on South River Road, Manchester, New Hampshire.

21 372 Department of Health and Human Services; Closed Loop Referral System. Notwithstanding
22 any other provision of the law to the contrary, there shall be no further expansion of the “closed loop
23 referral” system by the department of health and human services beyond that which has been or will
24 be implemented pursuant to the sole source grant agreement to Unite USA Inc. of Nashua in the
25 amount of \$700,000 dated October 19, 2020. Before the department undertakes any further
26 utilization of the closed loop referral system beyond that authorized by the preceding sentence, the
27 legislative oversight committee on health and human services, established in RSA 126-A:13, shall
28 conduct a comprehensive review of the information intended to be stored in the master index file or
29 accessed using the master indexes within and between the closed loop referral system and other
30 interconnected systems. Further, the oversight committee shall assess the privacy protections and
31 access/release limitations afforded by this system, and the adequacy of the procedures utilized by the
32 system to insure that persons using it have given informed consent to the (“opt-in”) release of their
33 personally identifiable information available through the system of systems. The oversight
34 committee shall report its findings and recommendations, if any, to the legislature, the governor,
35 and the department of health and human services within 30 days of the department providing all
36 requested data and information regarding the closed loop referral system and systems with which it
37 is intended to interconnect.

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1 373 Effective Date. Unless otherwise specified, the remaining sections of this act shall take
2 effect July 1, 2021.

LBA
21-1082
3/1/21

**HB 2-FN-A-LOCAL- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

None