

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

HB 1				
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7	N/A	Positions Abolished; Liquor Commission	Amend (0821h)	3
7	N/A	Positions Abolished; Department of Energy	Amend (0827h)	4
NEW	N/A	Department of Information Technology; Authority Granted (Cybersecurity Insurance)	Amend (0831h)	5
NEW	N/A	Department of Information Technology; Appropriation (Positions)	Amend (0835h)	6
HB 2				
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1	1	Reimbursement of Sheriff's Offices.	Amend (0837h)	7
9	6	New Paragraphs; Department of Administrative Services; State Employee Health Plan; Application.	Amend (0673h)	9
16	8	Judicial Appointments; Number Limited; Conversion Suspended.	Delete (0711h)	10
19	9	New Section; Sale of Lakes Region Facility.	Amend (0806h)	12
40	13	40 Appropriation; Department of Military Affairs and Veterans Services; Support for Veterans Mental Health and Social Isolation.	Amend (0722h)	13
52	24	Department of Business and Economic Affairs; New Hampshire Economic Development Fund.	Amend (0739h)	15
53	25	New Section; Department of Business and Economic Affairs; Director of Intergovernmental Affairs.	Amend (0738h)	16
57	26	New Section; Department of Corrections; Officials; Status in Retirement System.	Amend (0706h)	18
60	27	State Aid grants; Department of Environmental Services.	Amend (0805h)	19
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76	40	Appropriation; FRM Victims' Contribution Recovery Fund.	Amend (0811h)	30
102-105	46	Business Profits Tax; Credit Carry-forward Limited	Amend (0912h)	33
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142	62	Department of Natural and Cultural Resources; Parks Projects; Appropriations.	Amend (0798h)	43
151	65	New Paragraph; Office of the Chief Medical Examiner; Authority.	Delete (0767h)	44
154	66	Office of the Chief Medical Examiner; County Reimbursement of Investigation Costs.		
155	67	Positions Established; Deputy Chief Forensic Investigators.		
156	67	Cremation of Human Remains; Medical Examiner's Certificate.		
157-158	67-68	Department of Justice; Director of Diversity and Community Outreach; Position Established. (Effective Date)	Amend (0799h)	46
143	63	Public Utilities Commission; Implementation of Energy Efficiency Resource Standard.	Delete (0917h)	47
191-195	85-93	New Chapter; Department of Energy. Reorganization	Amends various sections (0917h)	
200-291	98-150	Department of Energy Reorganization name and reference changes.	Delete (0917h)	
245	115	Municipal Utilities.	Delete (0917h)	
227	105	Site Evaluation Committee; Membership; Administrative Attachment	Amend (0824h)	57
NEW	NEW	New Paragraph; Bank Commissioner; Public Deposit Investment Pool.	Amend (0635h)	58

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

HB 2				
Section	Bill Page	Section Title	Recommendation	Packet Page
NEW	NEW	Limitation; Horse and Dog Racing; Historic Racing Included. (HB 626)	Amend (0685h)	60
NEW	NEW	Tax Expenditure Report; Weighted Apportionment Factors Removed. (HB 281)	Amend (0695h)	66
NEW	NEW	New Paragraph; Unemployment Compensation; Fraud Detection.	Amend (0747h)	72
NEW	NEW	New Section; Liquor Stores; Agency Store (HB 591)	Amend (0792h)	74
NEW	NEW	Liquor Commision; Division of Ennfocement and Licensing Renamed Divison of Education and Licensing.	Amend (0844h)	77
NEW	NEW	New Chapter; Propagation of Divisive Concepts Prohibited (HB 544)	Amend (0925h)	82
NEW	NEW	Application of Emergency Orders (HB 63)	Amend (0914h)	87
NEW	NEW	New Sections; Animal Records Database (HB 532)	Amend (0919h)	88

Amendment to HB 1-A

1 Amend section 7 of the bill by inserting after paragraph III the following new paragraph:

2

3 IV. The following positions are hereby abolished effective at the close of business on
4 December 31, 2021:

5 Liquor Commission

6 02-077-077-770512-7878 14227, 14239, 14246, 14248, 14267, 14275, 14296, 14297, 14299,

7 14308, 14318, 14320, 14321, 14327, 14329, 17085, 18573, 18940,

8 43302, and 44227

UNAPPROVED

Amendment to HB 1-A

1 Amend section 7 of the bill by replacing paragraph I with the following:

2

3 I. The following positions are hereby abolished effective at the close of business on June 30,
4 2021:

5 Department of Health and Human Services

6 05-095-095-950010-5676 12702

7 Department of Energy

8 02-052-052-520010-1888 14339, 10015

9

10 Amend section 7 of the bill by replacing paragraph III with the following:

11

12 III. The following positions are hereby abolished effective at the close of business on June 30,
13 2023:

14 Department of Energy

15 02-52-052-521010-1891 9U141, 9U573

Amendment to HB 1-A

1 1 Department of Information Technology; Authority Granted. The sum of \$306,722 for fiscal
2 year 2022 and the sum of \$398,739 for fiscal year 2023 under account 01-03-03-0300-7703, class 049
3 shall be allocated by the department of information technology to state agencies of the executive
4 branch, judicial branch, and legislative branch proportionally based on their authorized position
5 count. In the event the allocation results in increased state general fund expenditures, the
6 department of information technology, in consultation with the department of administrative
7 services, shall reduce class 27 transfers to fully offset any such increase.

UNAPPROVED

Amendment to HB 1-A

1 1 Department of Information Technology; Appropriation.

2 I. The sum of \$601,454 for the fiscal year ending June 30, 2022, and the sum of \$626,734 for
3 the fiscal year ending June 30, 2023, are hereby appropriated to the department of information
4 technology to fund shared service positions. The source of funds for the appropriations shall be as
5 follows:

	<u>FY 2022</u>	<u>FY 2023</u>
6 Federal Funds	\$136,022	\$142,355
7 Other	\$110,060	\$113,299
8 General Fund	\$233,238	\$241,989
9 Liquor Commission	\$29,426	\$29,885
10 Highway Fund	\$78,858	\$86,342
11 Turnpike Fund	\$4,065	\$2,855
12 Sweepstakes Fund-Lottery	\$4,313	\$4,293
13 Fish and Game Fund	\$5,473	\$5,716
14 TOTAL	\$601,454	\$626,734

15
16 II. The department of information technology, in consultation with the department of
17 administrative services, shall increase the appropriations to the class 027 expenditure class lines of
18 each state department or agency by their respective portion of these department of information
19 technology shared costs. The governor is hereby authorized to draw a warrant for said sum of
20 general fund expenditures out of any money in the treasury not otherwise appropriated.

Amendment to HB 2-FN-A-LOCAL

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

2

3 1 Reimbursement of Sheriff's Offices. Amend RSA 104:31, X-XI to read as follows:

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

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

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

2021-0837h

AMENDED ANALYSIS

Replace 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.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 21-I:30, XVII as inserted by section 9 of the bill by replacing it with the following:

2

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

Rep. L. Ober, Hills. 37
March 9, 2021
2021-0711h
08/11

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 16.

UNAPPROVED

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

2021-0711h

AMENDED ANALYSIS

Deletes paragraph 9 which limits the number of judicial appointments for the biennium.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 19 with the following:

2

3 19 Lakeshore Redevelopment Planning Commission; Duties of the Commission. Amend RSA
4 10:7, IX to read as follows:

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

9 20 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the
10 following new section:

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

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 40 with the following:

2

3 40 New Section; Department of Military Affairs and Veterans Services; Support for Veterans
4 Mental Health and Social Isolation. Amend RSA 110-B by inserting after section 73-c the following
5 new section:

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

2021-0722h

AMENDED ANALYSIS

22. Directs the department of military affairs and veterans services to assist veterans in accessing mental health programs and services available through the VA.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 52 with the following:

2

3 52 Department of Business and Economic Affairs; New Hampshire Economic Development
4 Fund. Amend RSA 12-O:21 to read as follows:

5 12-O:21 New Hampshire Economic Development Fund.

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

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

- 13 (a) Business financing and expansion initiatives.
14 (b) ~~[Job]~~ **Workforce recruitment** retention and creation.
15 (c) International trade.
16 (d) Research and development activities.
17 (e) Other projects or programs recognized as being beneficial to business activity in New
18 Hampshire.

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

- 22 (a) ~~[New Hampshire Business Development Corporation]~~ **Chambers of commerce.**
23 (b) ~~[Small Business Investment Corporation]~~ **Regional economic development or**
24 **planning organizations.**
25 (c) Innovation Research Center.
26 (d) Small Business Development Center.

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

Rep. L. Ober, Hills. 37
March 9, 2021
2021-0738h
05/08

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting after section 53 the following new section:

2

3 54 Effective Date. Section 53 of this act shall take effect January 1, 2023.

UNAPPROVED

2021-0738h

AMENDED ANALYSIS

30. Establishes the position of director of intergovernmental affairs in the department of business and economic affairs effective January 1, 2023.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 57 with the following:

2

3 57 New Section; Department of Corrections; Officials; Status in Retirement System. Amend
4 RSA 21-H by inserting after section 8-a the following new section:

5 21-H:8-b Status in Retirement System.

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

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

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 60 with the following:

2

3 60 State Aid Grants; Department of Environmental Services.

4 I. Notwithstanding RSA 486, for the biennium ending June 30, 2023 and unless the
5 provisions of paragraph II are met, no state aid grants shall be made for any new infrastructure
6 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
7 RSA 149-M. In addition, notwithstanding RSA 486 and RSA 486-A, state payments for existing
8 infrastructure project grants shall be suspended for the biennium ending June 30, 2023. Nothing in
9 this section shall affect the provision of the future water supply land protection grants under RSA
10 486-A if funding is available for such purposes.

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

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 69-74 with the following:

2

3 69 New Subdivision; Granite State Paid Family Leave Plan. Amend RSA 21-I by inserting after
4 section 95 the following new subdivision:

5

Granite State Paid Family Leave Plan

6

21-I:96 Granite State Paid Family Leave Plan. There is hereby established the granite state
7 paid family leave plan, which shall be implemented under this subdivision and as provided in RSA
8 282-B and RSA 77-E.

9

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

27

21-I:98 Definitions. In this subdivision:

28

I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).

29

II. "Commissioner" means the commissioner of the department of administrative services.

30

III. "Department" means the department of administrative services.

31

IV. "Family and medical leave" means leave from work:

32

(a) Because of the birth of a child of the employee, within the past 12 months;

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

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

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

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

8 V. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
9 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.

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

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

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

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

22 21-I:99 Contracting and Administrative Authority.

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

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

36 (a) The birth of a child and the care of the newborn child within one year of birth;

Amendment to HB 2-FN-A-LOCAL
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1 (b) The placement with the employee of a child for adoption or foster care and the care of
2 the newly placed child within one year of placement;

3 (c) Caring for the employee's spouse, child, or parent who has a serious health condition;
4 or

5 (d) Any qualifying exigency arising out of the fact that the employee's spouse, child, or
6 parent is a covered military member on covered active duty, or caring for a covered service-member
7 with a serious injury or illness if the eligible employee is the service-member's spouse, child, parent,
8 or next of kin.

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

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

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

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

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

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

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

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

27 21-I:100 State Employee Coverage Linked to Coverage Offerings for Other Employers and for
28 Individual Employees. The commissioner shall include in the request for proposals for FMLI
29 benefits for state employees a requirement that the winning bidder shall, as a condition of the state
30 contract, also offer the same FMLI coverage to other public employers, private employers, and
31 individual employees on the following terms:

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

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

Amendment to HB 2-FN-A-LOCAL
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1 III. Individuals who work for employers who choose not to offer FMLI coverage under this
2 subdivision or who fail to meet minimum participation requirements and who do not offer an FMLI
3 benefit that is at least equivalent to the granite state paid family leave plan shall have the
4 opportunity to contract indirectly with the winning bidder through the purchasing pool for family
5 and medical leave insurance authorized under RSA 282-B and administered by the department of
6 employment security. The pool may be experience rated. Coverage through the pool shall include a
7 7-month waiting period, a one-week elimination period, and a 60-day annual open enrollment period
8 as established by the commissioner in the procurement process. Premiums for individual pool
9 coverage shall not exceed \$5 per subscriber per week.

10 IV. The commissioner shall establish, through his or her discretionary authority in
11 administering the request for information and the request for proposals process, the following
12 additional elements of the benefit structure and plan administration specifically for employees of
13 sponsoring non-state employers consistent with the purposes and policy of this subdivision:

- 14 (a) The minimum participation requirement.
- 15 (b) The parameters for open enrollment periods.
- 16 (c) Procedures for contributory plans, partially contributory plans, and non-contributory
17 plans.
- 18 (d) Procedures for payroll deduction and premium remittance.

19 21-I:101 Conditions of Non-State Employer Participation. Participation in the plan by non-state
20 employers shall be voluntary. In addition, non-state employers may choose to provide FMLI at no
21 cost to their employees or on a contributory or partially contributory basis.

22 21-I:102 Procurement Process. The commissioner may issue a request for information or a
23 request for proposals to secure FMLI coverage for all eligible employees of the state of New
24 Hampshire and to make advantageously priced coverage available to all other private and public
25 employers in the state as provided in this subdivision. The department, the department of
26 employment security, and the department of insurance shall jointly evaluate the proposals received
27 in response to the request for proposals. The department shall contract with an insurance carrier or
28 carriers to provide FMLI coverage. The contract with the winning bidder shall be subject to
29 governor and council approval. The selected insurance carrier shall be licensed by the state of New
30 Hampshire and in good standing. The selected insurance carrier shall be subject to all applicable
31 insurance laws and regulations of the state of New Hampshire, and the rates and forms for the
32 FMLI contracts shall be filed for approval with the insurance commissioner.

33 21-I:103 Commissioner Discretion to Adjust Initial FMLI Benefit Structure. In exercising
34 authority under this subdivision to contract for FMLI coverage for state employees and also for the
35 availability of advantageously priced FMLI coverage for employees of all non-state employers, the
36 commissioner shall have discretionary authority in initiating this program to make changes to the
37 benefit structure of the FMLI plan under RSA 21-I:99, III and may retain a consulting actuary or

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1 other benefit advisors in support of this discretionary determination. This discretionary authority
2 shall be exercised in consideration of the stated purposes and policy goals of this subdivision and of
3 the counsels of the FMLI advisory board established in RSA 21-I:104. Any such changes made under
4 this paragraph shall be subject to approval by the governor and council and the legislative fiscal
5 committee prior to implementation and shall be offered by the legislative fiscal committee as an
6 amendment to this subdivision in the next regular session of the general court.

7 21-I:104 Family and Medical Leave Insurance Advisory Board. There is hereby established the
8 family and medical leave insurance advisory board, which shall be administratively attached to the
9 department, and which shall hereinafter be called the FMLI advisory board. The FMLI advisory
10 board shall consist of 9 members to be appointed, with the exception of the legislative members, by
11 the governor. Three of the appointees shall be persons who, because of their vocations, employment,
12 or affiliations, shall represent employers; 3 shall be persons who, because of the vocations,
13 employment, or affiliations, shall represent employees; one shall be a senator appointed by the
14 senate president; one shall be a representative appointed by the speaker of the house of
15 representatives; the remaining appointee, who shall be appointed as chairman, shall be a person
16 whose training and experience qualify her or him to successfully resolve the problems of FMLI
17 procurement, eligibility, benefit design, and program administration. The advisory board shall meet
18 no later than 45 days after each calendar quarter and aid the commissioner in formulating policies
19 and discussing problems related to the implementation and administration of this subdivision and
20 RSA 282-B and in assuring impartiality and freedom from political influence in the solution of such
21 problems. Advisory board meetings shall provide opportunity for public comment.

22 21-I:105 Report and Outreach.

23 I. Working in coordination with the commissioner of administrative services as provided in
24 RSA 282-B:6, I, the department shall produce, on an annual basis, a summary report on the granite
25 state paid family leave plan. This report shall be made public and delivered to the governor, the
26 senate president, and the speaker of the house of representatives. It shall include, but not be limited
27 to, a description of progress in carrying out the processes contemplated under this subdivision,
28 progress in improving the rate of FMLI coverage of employees in the state, and recommendations for
29 more fully achieving the purposes and policy goals of this subdivision.

30 II. Working in coordination with the department of employment security as provided in RSA
31 282-B:6, II, the department shall develop and implement an outreach program to ensure that
32 employers who might benefit from sponsoring FMLI coverage for their employees and individuals
33 who may be eligible to receive FMLI coverage under this subdivision are made aware of this
34 program. Outreach information shall explain in an easy to understand format, eligibility
35 requirements, benefit structures, and the process for accessing coverage, enrolling individuals, and
36 qualifying for the business tax credit provided for in RSA 77-E:3-d.

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1 21-I:106 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
2 necessary for the implementation of this chapter.

3 21-I:107 Appropriation and Funding Transfer. The state treasurer shall transfer funds from the
4 general fund to the department of administrative services for payment of the administrative and
5 implementation costs associated with this chapter.

6 21-I:108 Program Start-up. The request for proposals for FMLI coverage as described in this
7 subdivision shall be issued no later than March 31, 2022. The FMLI coverage shall be in place for
8 state government employees and available for purchase by other public and private employers and
9 individuals by January 1, 2023.

10 70 Insurance; Allocation of State Premium Tax. Amend RSA 400-A:32, III to read as follows:

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

14 (b) Taxes imposed attributable to premiums written for medical and other medical
15 related services for the newly eligible Medicaid population as provided for under RSA 126-AA shall
16 be deposited into the New Hampshire granite advantage health care trust fund established in RSA
17 126-AA:3. The commissioner shall notify the state treasurer of sums for deposit into the New
18 Hampshire granite advantage health care trust fund no later than 30 days after receipt of said taxes.
19 The moneys in the trust fund may be used for the administration of the New Hampshire granite
20 advantage health care program, established in RSA 126-AA.

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

27 71 New Chapter; Purchasing Pool for Family and Medical Leave Insurance. Amend RSA by
28 inserting after chapter 282-A the following new chapter:

29 CHAPTER 282-B

30 PURCHASING POOL FOR FAMILY AND MEDICAL LEAVE INSURANCE

31 282-B:1 Purpose. The purpose of this chapter is to establish a group purchasing mechanism
32 whereby individuals who work for employers who do not to offer either family and medical leave
33 insurance (FMLI) coverage under the granite state paid family leave plan as authorized under RSA
34 21-I:96 through RSA 21-I:108 or an FMLI benefit that is at least equivalent to such coverage will
35 have the opportunity to purchase granite state paid family leave plan coverage through a mechanism
36 established by the state in conjunction with the state government employee FMLI plan.

37 282-B:2 Definitions. In this chapter:

Amendment to HB 2-FN-A-LOCAL
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- 1 I. "Child" has the same meaning as "son or daughter" in 29 U.S.C. section 2611(12).
- 2 II. "Commissioner" means the commissioner of the department of employment security.
- 3 III. "Department" means the department of employment security.
- 4 IV. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as
5 provided in RSA 282-A:9.
- 6 V. "Employment" means wages paid for services by an employer that is covered by this
7 chapter.
- 8 VI. "Family and medical leave" means leave from work:
- 9 (a) Because of the birth of a child of the employee, within the past 12 months;
- 10 (b) Because of the placement of a child with the employee for adoption or fostering
11 within the past 12 months;
- 12 (c) Because of a serious health condition of a family member; or
- 13 (d) Because of any qualifying exigency arising from foreign deployment with the armed
14 forces, or to care for a service member with a serious injury or illness as permitted under the federal
15 Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)(E) and 29 C.F.R. section 825.126(a)(1)
16 through (8), as they existed on October 19, 2017, for family members as defined in paragraph VIII.
- 17 (e) A serious health condition of the employee that isn't related to employment and their
18 employer does not offer Short Term Disability insurance.
- 19 VII. "Family and Medical Leave Act" means the federal Family and Medical Leave Act of
20 1993, Pub.L. 103-3, 29 U.S.C. section 2601 et seq.
- 21 VIII. "Family member" means a child, a biological, adoptive, or foster parent, stepparent, or
22 legal guardian of the child or the child's spouse or domestic partner, a biological, adoptive, or foster
23 grandparent or step grandparent, or a spouse or domestic partner.
- 24 IX. "FMLI" means family and medical leave insurance providing wage replacement benefits
25 under specified conditions.
- 26 X. "Individual Pool" means the pooled purchasing mechanism established in this chapter for
27 the purpose of providing individual employees of employers who do not sponsor qualifying FMLI
28 coverage the option to purchase such coverage on an individual basis.
- 29 XI. "Serious health condition" means any illness covered by the federal family and medical
30 leave act including treatment for addiction as prescribed by a treating clinician, consistent with
31 American Society of Addiction Medicine criteria, as well as treatment for a mental health condition,
32 consistent with American Psychiatric Association criteria.
- 33 282-B:3 Employer and Employee Rights and Responsibilities.
- 34 I. Individuals who are employed by private employers who do not to offer either FMLI
35 coverage under the granite state paid family leave plan under RSA 21-I:96 - RSA 21-I:108 or an
36 FMLI benefit that is at least equivalent to such coverage will have the opportunity to purchase
37 granite state paid family leave plan coverage through the individual pool.

Amendment to HB 2-FN-A-LOCAL
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1 II. Employers with fewer than 20 employees who wish to purchase FMLI coverage through
2 the granite state paid family leave plan shall have the opportunity to purchase such coverage by
3 making premium remittances into an FMLI premium fund administered by the department as
4 provided in this chapter and established in coordination with the commissioner of administrative
5 services acting pursuant to RSA 21-I:96.

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

17 282-B:5 FMLI Premium Stabilization Trust Fund Established.

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

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

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

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

34 282-B:6 Report and Outreach.

35 I. Working in coordination with the commissioner of administrative services as provided in
36 RSA 21-I:105, I the department shall produce, on an annual basis, a summary report on the granite
37 state paid family leave plan. The report shall be made public and delivered to the governor, the

Amendment to HB 2-FN-A-LOCAL
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1 senate president, and the speaker of the house of representatives. It shall include but not be limited
2 to, a description of progress in implementing the provisions of this chapter, payments into and out of
3 the fund, the number of employees in the state participating in the purchasing mechanism, and
4 recommendations for improvement of the program and for further increasing the rate at which New
5 Hampshire employees have FMLI coverage.

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

12 282-B:7 Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, as deemed
13 necessary for the implementation of this chapter.

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

17 282-B:9 Implementation. The individual pool shall be operational and available for use by
18 individuals on a timetable that is sufficient to ensure that FMLI coverage shall be available for
19 purchase by January 1, 2023.

20 72 New Section; Family Medical Leave Insurance; Discrimination in the Workplace. Amend
21 RSA 275 by inserting after section 37-c the following new section:

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

36 73 New Subparagraphs; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
37 subparagraph (364) the following new subparagraphs:

Amendment to HB 2-FN-A-LOCAL
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1 (365) Moneys deposited in the FMLI premium fund established in RSA 282-B:4.

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

4 74 New Section; Business Enterprise Tax; Granite State Paid Family Leave Plan Tax Credit.
5 Amend RSA 77-E by inserting after section 3-d the following new section:

6 77-E:3-e Granite State Paid Family Leave Plan Tax Credit. There shall be a tax credit allowed
7 against the tax due under this chapter in an amount equal to 50 percent of the premium paid by a
8 sponsoring employer for family and medical leave insurance coverage offered to employees pursuant
9 to RSA 21-I:100 for the taxable period in which the premium is paid.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 76 with the following:

2

3 76 FRM Victims' Contribution Recovery Fund; Transfer of Funds. Amend RSA 359-P:2, I and II
4 to read as follows:

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

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

21 77 Attorney/Administrator. Amend RSA 359-P:4 to read as follows:

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

30 78 Disposition of Consumer Protection Settlement Funds. Amend RSA 7:6-f to read as follows:

31 7:6-f Disposition of Consumer Protection Settlement Funds. Any funds received by the attorney
32 general on behalf of the state or its citizens as a result of any civil judgment or settlement of a claim,

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

1 suit, petition, or other action under RSA 358-A or related consumer protection statutes shall be
2 deposited in a consumer protection escrow account. The consumer protection escrow account shall at
3 no time exceed \$5 million, with any amount in excess of \$5 million deposited into the general fund,
4 except as otherwise provided in RSA 126-A:83 **and RSA 359-P:2**. The attorney general shall not
5 include language in any consumer protection settlement that restricts any payments to the state for
6 attorneys' fees, investigation and litigation costs, consumer education, or consumer protection
7 enforcement to the consumer protection escrow account or any other account or fund.

8 79 Bureau of Securities Regulation Investors Education Fund. Amend RSA 421-B:6-601(h) to
9 read as follows:

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

24 80 Repeal of the Prospective Repeal of FRM Fund. 2016, 293:6, relative to the July 1, 2023
25 repeal of the FRM victims' contribution recovery fund in RSA 359-P:2, is repealed.

2021-0811h

AMENDED ANALYSIS

41. 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.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 102-105 with the following:

2

3 102 Business Profits Tax; Credit Carry-forward Limited; Payments Due With Returns and
4 Estimates. Amend RSA 77-A:7, I(b) to read as follows:

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

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

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

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

18 103 Business Enterprise Tax; Credit Carry-forward Limited; Payments Due With Returns.
19 Amend RSA 77-E:6, II to read as follows:

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

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

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

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

4 104 New Section; Commission to Study Limiting the Business Tax Credit Carry Over. Amend
5 RSA 77-A by inserting after section 7-a the following new section:

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

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

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

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

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

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

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

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

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

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

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

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

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

33 105 Repeal. RSA 77-A:77-b, relative to the commission to study limiting the business tax credit
34 carry over., is repealed.

35 106 Effective Date.

36 I. Sections 102-104 of this act shall take effect upon its passage.

37 II. Section 105 of this act shall take effect November 1, 2021.

Rep. L. Ober, Hills. 37
March 15, 2021
2021-0818h
04/10

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 114-115.

UNAPPROVED

2021-0818h

AMENDED ANALYSIS

Delete:

49. Allows bonds issued by the business finance authority to be used for financing a redevelopment district and for manufacturing or industrial projects in the biotechnology sector.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 122 with the following:

2

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

4 651-A:3 Adult Parole Board; Establishment; Procedures.

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

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

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

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

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

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

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

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

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

1 ~~engaged in parole hearings or administrative meetings.]~~ ***an annual stipend of \$20,000 for each***
2 ***member, to be paid in equal installments on each state employee pay period date, with no***
3 ***reimbursement for mileage or other expenses for any reason.***

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

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

UNAPPROVED

Rep. L. Ober, Hills. 37
March 11, 2021
2021-0794h
11/04

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 124.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 127 with the following:

2

3 127 Workers' Compensation; Appeals Board. Amend RSA 281-A:42-a, III to read as follows:

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

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 128 with the following:

2

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

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

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

1 recess the hearing to a date certain and direct the parties, or either of them, to provide such further
2 information that may be necessary to decide the matter. No later than 30 days after the hearing, the
3 commissioner or the commissioner's authorized representative shall render a decision and shall
4 forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized
5 representative, may render a decision at the hearing. Unless excused for good cause shown, **or a**
6 **party has not received notice**, failure of any or all parties at interest to appear at a duly scheduled
7 hearing or to petition for a continuance shall bar such parties from any further action concerning an
8 adverse decision, a decision by default, or a dismissal of a petition for hearing and award. **The**
9 **commissioner, or his or her authorized representative, shall serve notice of a pending**
10 **default, default decision, or dismissal of a petition for hearing and award on the**
11 **defaulting party via certified mail, return receipt requested. Upon receipt of undeliverable**
12 **certified mail, the commissioner, or his or her authorized representative, shall stay the**
13 **proceedings for up to one year from the date of the receipt of undeliverable certified mail**
14 **during which time the commissioner, or his or her authorized representative, shall make**
15 **all reasonable attempts to provide notice to the defaulting party. If notice cannot be**
16 **provided within one year, the commissioner, or his or her authorized representative, shall**
17 **render a decision in favor of the non-defaulting party.**

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 142 with the following:

2

3 142 Department of Natural and Cultural Resources; Parks Projects; Appropriations. There is
4 hereby appropriated to the department of natural and cultural resources, for the biennium ending
5 June 30, 2023, the following sums which shall be nonlapsing and expended for the following
6 purposes. The governor is authorized to draw a warrant for said sums out of any money in the
7 treasury not otherwise appropriated.

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

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

Rep. L. Ober, Hills. 37
March 10, 2021
2021-0767h
08/05

Amendment to HB 2-FN-A-LOCAL

- 1 Delete sections 151, 154, 155, and 156.

UNAPPROVED

2021-0767h

AMENDED ANALYSIS

64. Establishes the position of associate medical examiner.

UNAPPROVED

Rep. L. Ober, Hills. 37
March 11, 2021
2021-0799h
06/11

Amendment to HB 2-FN-A-LOCAL

1 Amend section 292 of the bill by replacing it with the following:

2

3 292 Effective Date.

4 I. Sections 157-158 shall take effect January 1, 2023.

5 II. Sections 191-291 shall take effect 90 days after the passage of this act.

6 III. Unless otherwise specified, the remaining sections of this act shall take effect on July 1,
7 2021.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting section 143.

2

3 Amend RSA 12-P:2, I as inserted by section 191 of the bill by replacing it with the following:

4

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

8

9 Amend RSA 12-P:3, II as inserted by section 191 of the bill by replacing it with the following:

10

11 II. The department of energy is authorized to work with the department of business and
12 economic affairs and the department of administrative services to coordinate the implementation of
13 the establishment of the department, and to transfer appropriations and create the proper
14 expenditure lines, if needed, for the establishment of their respective operations, including but not
15 limited to the relocation of personnel, work stations, books, papers, personnel record files, and
16 equipment, with the approval of the governor and council and of the director of personnel.

17

18 Amend RSA 12-P:11 and 12 as inserted by section 191 of the bill by replacing them with the
19 following:

20

21 12-P:11 Specific Answers. The department or the commission may require any public utility or
22 entity subject to its jurisdiction to make specific answers to questions upon which the department or
23 commission may need information.

24 12-P:12 Transfer of Functions, Powers, Duties. All of the functions, powers, duties, records,
25 personnel, and property of the public utilities commission incorporated in the statutes establishing
26 the department of energy and which replace the authority of the commission with the authority of
27 the department of energy, are hereby transferred, as of July 1, 2021, to the department of energy.

28

29 Amend the bill by inserting after section 191 the following new section:

30

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

1 192 Department of Energy; Interim Commissioner. Until appointment of a commissioner under
2 RSA 12-P:4, the governor may initially designate an interim commissioner to serve for up to 60 days
3 from the effective date of this section.

4
5 Amend the bill by replacing section 195 with the following:

6
7 195 Department of Energy; Unclassified Positions Established. The following positions are
8 hereby established in the department of energy, shall be qualified by reason of education and
9 experience, and shall be appointed by the commissioner and perform assigned duties according to
10 applicable law:

<u>Labor Grade</u>	<u>Title</u>	<u>Job Code</u>	<u>Position #</u>
11 GG	Director of Regulatory Support	9U9962	GV008
12 GG	Director of Enforcement	9U9963	GV009
13 GG	Director of Policy & Programs	9U9964	GV010
14 GG	Director of Administration	9U9966	GV012
15 HH	Deputy Commissioner of Energy	9U9967	GV013
16 GG	Utility Analyst IV	9U9969	GV014
17 GG	Utility Analyst IV	9U9970	GV015
18 GG	Utility Analyst IV	9U9971	GV016
19 GG	Utility Analyst IV	9U9972	GV017
20 GG	Utility Analyst IV	9U9973	GV018
21 GG	Utility Analyst IV	9U9974	GV019
22 II	Commissioner of Energy	9U9968	GV020

23
24
25 Amend the bill by replacing section 214 with the following:

26
27 214 Public Utilities Commission; Complaints. Amend RSA 363:39 to read as follows:
28 363:39 Complaints [~~to the Commission~~]. When complaints to the [~~public utilities commission~~]
29 **department of energy** are initiated by residential customers, the [~~commission~~] **department** shall
30 provide to the consumer advocate access to the complaint, by paper or electronically, with the
31 customer name blocked out, at the same time as the [~~commission~~] **department** forwards the
32 complaint to the utility in compliance with [~~commission~~] **department** rules.

33
34 Amend the bill by replacing section 227 with the following:

35
36 227 Site Evaluation Committee; Administrative Attachment. Amend RSA 162-H:3, IV to read
37 as follows:

Amendment to HB 2-FN-A-LOCAL
- Page 3 -

1 IV. The committee shall be administratively attached to the ~~[public utilities commission]~~
2 **department of energy** pursuant to RSA 21-G:10.

3
4 Amend RSA 362-F:4, IV(b)(1)(A) as inserted by section 236 by replacing it with the following:

5
6 (A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities ~~[owned~~
7 ~~by Public Service Company of New Hampshire]~~, which had been previously certified by the **public**
8 **utilities** commission on September 23, 2008; and

9
10 Amend the bill by replacing section 242 with the following:

11
12 242 Expenses of Public Utilities Commission Against Certain Utilities; Assessment. Amend
13 RSA 363-A:2, III-IV to read as follows:

14 III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an
15 annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of energy**. Each
16 electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of
17 \$2,000 on an annual basis and shall pay such assessed sum to the ~~[commission]~~ **department of**
18 **energy**. Each telecommunications carrier voluntarily registered with the commission shall be
19 assessed the sum of \$1,000 on an annual basis and shall pay such sum to the ~~[commission]~~
20 **department of energy**.

21 IV. The expenses of the ~~[commission]~~ **department of energy and the public utilities**
22 **commission**, less the total of the assessed sums paid ~~[to the commission]~~ pursuant to paragraph III,
23 shall be allocated to each utility and other assessed entity in direct proportion as the revenue
24 calculation for such utility or other assessed entity relates to the total of all such revenue
25 calculations as a whole, except as otherwise provided in paragraph V. Each such expense allocation
26 shall be assessed against each public utility and other assessed entity in an amount equal to its
27 proportionate share as determined under this section, except that the expense allocation attributed
28 to each entity described in subparagraph I(e) shall be imputed to and included in the expense
29 allocation to each electric or natural gas distribution utility or rural electric cooperative for which a
30 certificate of deregulation is on file with the commission, in correspondence to the revenue portion
31 reported pursuant to paragraph II as having been received from the distribution customers of such
32 distribution utility or the members of such rural electric cooperative for which a certificate of
33 deregulation is on file with the commission.

34
35 Amend the bill by deleting section 245.

36
37 Amend RSA 365:5 as inserted by section 248 of the bill by replacing it with the following:

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365:5 Independent Inquiry. The commission, on its own motion or upon petition of a public utility, **and the department of energy** may investigate or make inquiry in a manner to be determined by it as to any rate charged or proposed or as to any act or thing having been done, or having been omitted or proposed by any public utility; and ~~[the commission or]~~ shall make such inquiry in regard to any rate charged or proposed or to any act or thing having been done or having been omitted or proposed by any such utility in violation of any provision of law or order of the commission **or the department**.

Amend RSA 365:37, II as inserted by section 252 of the bill by replacing it with the following:

II. Whenever the commission institutes a proceeding, or when more than one utility subject to the jurisdiction of the commission shall be involved in a proceeding in which the commission **or the department of energy** requires the assistance of experts, accountants or other assistants, regardless of whether they petitioned the commission in the first instance, the commission **and the department of energy** may assess the costs of experts, accountants or other assistants hired by the commission **or the department of energy** against the utilities and any other parties to the proceeding. The commission **and the department of energy** shall not, however, assess any such costs against the office of the consumer advocate or against any voluntary corporation, not-for-profit organization, or any municipality unless the municipality is involved in a proceeding before the commission pursuant to RSA 38. In the case of a utility, the assessment of those costs shall be based on the annual revenues of the participating utilities in the same manner as issued in assessing the annual operating expenses of the commission **and the department of energy**, or as appropriate and equitable on a case by case basis. In the case of a party who is not a utility, the assessment of those costs shall be as appropriate and equitable on a case by case basis. Such expenses shall not include any part of the salaries or expenses of the commissioners or of employees of the commission **or of employees of the department of energy** or, unless the proceeding is being conducted pursuant to RSA 38, the fees of experts testifying as to values in condemnation proceedings.

Amend RSA 366:4 as inserted by section 254 of the bill by replacing it with the following:

366:4 Failure to File. Any contract or arrangement not filed with the ~~[commission]~~ **department of energy** pursuant to RSA 366:3 shall be unenforceable in any court in this state and payments thereunder may be disallowed by the ~~[commission]~~ **department** unless the later filing thereof is approved in writing by the ~~[commission]~~ **department**. **The commission shall disallow payment if recommended by the department.**

Amendment to HB 2-FN-A-LOCAL
- Page 5 -

1
2 Amend RSA 370:5 as inserted by section 257 of the bill by replacing it with the following:

3
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
10 Amend RSA 374:55, VII as inserted by section 277 of the bill by replacing it with the following:

11
12 VII. The ~~[commission]~~ **department** or any ~~[commission]~~ **department** employee, involved in
13 an underground facility damage prevention program approved by the ~~[commission]~~ **department** and
14 designated by the ~~[commission]~~ **department**, may enforce violations of this subdivision. Any
15 excavator or operator that violates this subdivision shall be subject to the penalties in paragraph
16 VIII. In addition, the ~~[commission]~~ **department** may assess the excavator for expenditures made to
17 collect the civil penalty. Any excavator or operator which suffers damage resulting from violation of
18 this subdivision may petition the ~~[commission]~~ **department** to initiate an enforcement action.

19
20 Amend RSA 374-F:3, III as inserted by section 282 of the bill by replacing it with the following:

21
22 III. Regulation and Unbundling of Services and Rates. When customer choice is introduced,
23 services and rates should be unbundled to provide customers clear price information on the cost
24 components of generation, transmission, distribution, and any other ancillary charges. Generation
25 services should be subject to market competition and minimal economic regulation and at least
26 functionally separated from transmission and distribution services which should remain regulated
27 for the foreseeable future. However, distribution service companies should not be absolutely
28 precluded from owning small scale distributed generation resources as part of a strategy for
29 minimizing transmission and distribution costs. Performance based or incentive regulation should
30 be considered for transmission and distribution services. Upward revaluation of transmission and
31 distribution assets is not a preferred mechanism as part of restructuring. Retail electricity suppliers
32 who do not own transmission and distribution facilities, should, at a minimum, be registered with
33 the ~~[commission]~~ **department**.

34
35 Amend RSA 374-F:3, V(c) as inserted by section 282 of the bill by replacing it with the following:

Amendment to HB 2-FN-A-LOCAL
- Page 6 -

1 (c) Default service should be designed to provide a safety net and to assure universal
2 access and system integrity. Default service should be procured through the competitive market and
3 may be administered by independent third parties. Any prudently incurred costs arising from
4 compliance with the renewable portfolio standards of RSA 362-F for default service or purchased
5 power agreements shall be recovered through the default service charge. The allocation of the costs
6 of administering default service should be borne by the customers of default service in a manner
7 approved by the commission. If the commission determines it to be in the public interest, the
8 commission may implement measures to discourage misuse, or long-term use, of default service.
9 Revenues, if any, generated from such measures should be used to defray stranded costs.

10
11 Amend RSA 374-F:3, VI as inserted by section 282 of the bill by replacing it with the following:

12
13 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
14 implemented in a manner that benefits all consumers equitably and does not benefit one customer
15 class to the detriment of another. Costs should not be shifted unfairly among customers. A
16 nonbypassable and competitively neutral system benefits charge applied to the use of the
17 distribution system may be used to fund public benefits related to the provision of electricity. Such
18 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-
19 income customers, energy efficiency programs, funding for the electric utility industry's share of
20 commission *and department* expenses pursuant to RSA 363-A, support for research and
21 development, and investments in commercialization strategies for new and beneficial technologies.
22 Legislative approval of the New Hampshire general court shall be required to increase the system
23 benefits charge. [~~This requirement of prior approval of the New Hampshire general court shall not~~
24 ~~apply to the energy efficiency portion of the system benefits charge if the increase is authorized by~~
25 ~~an order of the commission to implement the 3-year planning periods of the Energy Efficiency~~
26 ~~Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016,~~
27 ~~ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource~~
28 ~~Standard, is authorized by the fiscal committee of the general court; provided, however, that]~~ No less
29 than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-
30 income energy efficiency programs. Energy efficiency programs should include the development of
31 relationships with third-party lending institutions to provide opportunities for low-cost financing of
32 energy efficiency measures to leverage available funds to the maximum extent, and shall also
33 include funding for workforce development to minimize waiting periods for low-income energy audits
34 and weatherization.

35
36 Amend the bill by replacing section 284 with the following:

Amendment to HB 2-FN-A-LOCAL
- Page 7 -

1 284 Competitive Electricity Supplier Requirements; Participation in Regional Activities. Amend
2 RSA 374-F:7 and 374-F:8 to read as follows:

3 374-F:7 Competitive Electricity Supplier Requirements.

4 I. Competitive energy suppliers are not public utilities pursuant to RSA 362:2, though a
5 competitive energy supplier may seek public utility status from the [~~commission~~] **department** if it
6 so chooses. Notwithstanding a competitive energy supplier's non-utility status, the [~~commission~~]
7 **department** is authorized to establish requirements, excluding price regulation, for competitive
8 electricity suppliers, including registration, registration fees, customer information, disclosure,
9 standards of conduct, and consumer protection and assistance requirements. Unless electing to do
10 so, an electricity supplier that offers or sells at retail to consumers within this state products and
11 services that can lawfully be made available to such consumers by more than one supplier shall not,
12 because of such offers or sales, be deemed to be a public utility as defined by RSA 362:2. These
13 requirements shall be applied in a manner consistent with the restructuring principles of this
14 chapter to promote competition among electricity suppliers.

15 II. Aggregators of electricity load that do not take ownership of power or other services and
16 do not represent any supplier interest are not public utilities pursuant to RSA 362:2, but shall notify
17 the [~~commission~~] **department** of their intent to do business. Municipalities that aggregate electric
18 power or energy services for their citizens pursuant to RSA 53-E are not public utilities pursuant to
19 RSA 362:2 and are not subject to the provisions of paragraph III and RSA 374-F:4-b.

20 III. The **department may investigate and petition the** commission [~~may~~] **to** assess fines
21 against, revoke the registration of, order the rescission of contracts with residential customers of,
22 order restitution to the residential customers of, and prohibit from doing business in the state any
23 competitive electricity supplier, including any aggregator or broker, which is found to have:

24 (a) Engaged in any unfair or deceptive acts or practices in the marketing, sale, or
25 solicitation of electricity supply or related services;

26 (b) Violated the requirements of this section or any other provision of this title
27 applicable to competitive electricity suppliers; or

28 (c) Violated any rule adopted by the [~~commission~~] **department** pursuant to paragraph V
29 and RSA 374-F:4-b.

30 IV. As a condition of operation, for a 2-year interim period from the date that competition is
31 implemented in one or more areas of the state, competitive energy suppliers and load aggregators
32 shall submit to the jurisdiction of the commission for mediation and resolution of disputes between
33 customers and competitive energy suppliers or aggregators. Municipalities that aggregate electric
34 power or energy service for their citizens pursuant to RSA 53-E are not subject to this paragraph.

35 V. The [~~commission~~] **department** shall adopt rules, under RSA 541-A, to implement this
36 section. Where the [~~commission~~] **department** has adopted rules in conformity with this section,

1 complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA
2 541-A:29-a.

3 374-F:8 Participation in Regional Activities. The [~~commission~~] **department** shall advocate for
4 New Hampshire interests before the Federal Energy Regulatory Commission and other regional and
5 federal bodies. The commission shall participate in the activities of the New England Conference of
6 Public Utility Commissioners, **and** the National Association of Regulatory Utility Commissioners,
7 and the **department shall participate in the activities of the** New England States Committee on
8 Electricity, or other similar organizations, and work with the New England Independent System
9 Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale
10 electric issues, including policy goals relating to fuel diversity, renewable energy, and energy
11 efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable
12 transmission system at just and reasonable prices. The [~~commission~~] **department** shall advocate
13 against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or
14 laws of New Hampshire. In its participation in regional activities, the commission **and the**
15 **department** shall consider how other states' policies will impact New Hampshire rates and work to
16 prevent or minimize any rate impact the commission **or department** determines to be unjust or
17 unreasonable.

18
19 Amend RSA 378:51, II as inserted by section 291 of the bill by replacing it with the following:

20
21 II. The commission shall open an adjudicative proceeding within 90 days of the effective
22 date of this subdivision, to which all electric and natural gas utilities shall be mandatory parties, to
23 determine:

24 (a) Governance, development, implementation, change management, and versioning of
25 the statewide, multi-use, online energy data platform.

26 (b) Standards for data accuracy, retention, availability, privacy, and security, including
27 the integrity and uniformity of the logical data model.

28 (c) Financial security standards or other mechanisms to assure compliance with privacy
29 standards by third parties.

30
31 Amend the bill by replacing section 292 with the following:

32
33 292 Regional Greenhouse Gas Initiative; Energy Efficiency Fund and Use of Auction Proceeds.
34 Amend RSA 125-O:23 to read as follows:

35 125-O:23 Energy Efficiency Fund and Use of Auction Proceeds.

36 I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall
37 be continually appropriated to the [~~commission~~] **department of energy** to be expended in

1 accordance with this section. The state treasurer shall invest the moneys deposited therein, as
2 provided by law. Income received on investments made by the state treasurer shall also be credited
3 to the fund. All programs supported by these funds shall be subject to audit by the ~~[commission]~~
4 **department of energy** as deemed necessary. A portion of the fund moneys shall be used to pay for
5 ~~[commission]~~ **department of energy** and department **of environmental services** costs to
6 administer this subdivision, including contributions for the state's share of the costs of the RGGI
7 regional organization. No fund moneys shall be used by the ~~[commission]~~ **department of energy** or
8 the department **of environmental services** to contract with outside consultants. The **department**
9 **of energy** ~~[commission]~~ shall transfer from the fund to the department **of environmental services**
10 such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the
11 general court and the governor and council, for the department's cost of administering this
12 subdivision.

13 II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated
14 to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be
15 determined by the commission.

16 III. All remaining proceeds received by the state from the sale of allowances, excluding the
17 amount used for ~~[commission]~~ **department of energy** and department **of environmental services**
18 administration under paragraph I, shall be allocated by the commission as follows:

19 (a) At least 15 percent to the low-income core energy efficiency program.

20 (b) Beginning January 1, 2014, up to \$2,000,000 annually to utility core programs for
21 municipal and local government energy efficiency projects, including projects by local governments
22 that have their own municipal utilities. Funding elements shall include, but not be limited to,
23 funding for direct technical and project management assistance to identify and encourage
24 comprehensive projects and incentives structured to assist municipal and local governments funding
25 energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to
26 municipal and local government projects under this paragraph remaining at the end of the year shall
27 roll over and be added to the new calendar year program funds and continue to be made available
28 exclusively for municipal and local government projects. Beginning in calendar year 2017, and all
29 subsequent years, funds allocated to municipal and local government projects under this paragraph
30 shall be offered first to municipal and local governments as described in this paragraph for no less
31 than 4 full calendar months. If, at the end of this time, municipal and local governments have not
32 submitted requests for eligible projects that will expend the funds allocated to municipal and local
33 government projects under this paragraph within that program year, the funds shall be offered on a
34 first-come, first-serve basis to business and municipal customers who fund the system benefits
35 charge.

36 (c) The remainder to all-fuels, comprehensive energy efficiency programs administered
37 by qualified parties which may include electric distribution companies as selected through a

1 competitive bid process. The funding shall be distributed among residential, commercial, and
2 industrial customers based upon each customer class's electricity usage to the greatest extent
3 practicable as determined by the commission. Bids shall be evaluated based on, but not limited to,
4 the following criteria:

- 5 (1) A benefit/cost ratio analysis including all fuels.
- 6 (2) Demonstrated ability to provide a comprehensive, fuel neutral program.
- 7 (3) Demonstrated infrastructure to effectively deliver such program.
- 8 (4) Experience of the bidder in administering energy efficiency programs.
- 9 (5) Ability to reach out to customers.
- 10 (6) The validity of the energy saving assumptions described in the bid.

11 IV. The ~~[electric]~~ division of ***policy and programs*** of the ~~[commission]~~ ***department of***
12 ***energy*** shall conduct a competitive bid process for the selection of programs to be funded under
13 subparagraph III(c), with such funding to begin January 1, 2015. The ~~[commission]~~ ***department of***
14 ***energy*** may petition the governor and council to extend existing contracts until such time as the
15 competitive bids are approved by the governor and council, but in no event later than July 1, 2015.
16 The competitive bid process shall be repeated every 3 years thereafter. Before extending any
17 existing program, public comment on the proposed extension shall be accepted.

18 V. Each entity receiving funding under subparagraph III(c) shall file an annual report on
19 the performance of the entity's program. The ~~[commission]~~ ***department of energy*** shall establish
20 the format, content, and the methodologies used to provide the content of the reports. The
21 ~~[commission]~~ ***department of energy*** shall make use of, as applicable and appropriate, the
22 monitoring and verification requirements used in the natural gas and electric utility core programs.
23 The annual reports shall be delivered to the governor, the president of the senate, the speaker of the
24 house of representatives, the chairmen of the senate and house standing committees with
25 jurisdiction over energy matters, ***the commissioner of the department of energy*** and the
26 ~~[chairman]~~ ***chairperson*** of the public utilities commission. The reports shall include, but not be
27 limited to, the following:

- 28 (a) Program expenditures, including direct customer installation costs.
- 29 (b) Resulting actual and projected energy savings by fuel type and associated CO2
30 emissions reductions.
- 31 (c) Any measurement and verification data that corroborate projected savings.
- 32 (d) The number of customers served by the programs.
- 33 (e) Other data as required by the commission in order to determine program
34 effectiveness.

35 293 Effective Date. Unless otherwise specified, the remaining sections of this act shall take
36 effect on July 1, 2021.

Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 162-H:3, I as inserted by section 227 of the bill by replacing it with the following:

2

3 227 Site Evaluation Committee; Membership; Administrative Attachment. Amend RSA 162-
4 H:3, I-IV to read as follows:

5 I. There is hereby established a committee to be known as the New Hampshire site
6 evaluation committee consisting of 9 members, as follows:

7 (a) The commissioners of the public utilities commission, the chairperson of which shall
8 be the chairperson of the committee;

9 (b) The commissioner of the department of environmental services, who shall be the
10 vice-chairperson of the committee;

11 (c) The commissioner of the department of business and economic affairs or designee;

12 (d) The commissioner of the department of transportation;

13 (e) The commissioner of the department of natural and cultural resources, the director of
14 the division of historical resources, or designee; ~~and~~

15 (f) ~~[Two members]~~ **One member** of the public, appointed by the governor, with the
16 consent of the council, in accordance with RSA 162-H:4-b, III[-]; **and**

17 (g) **The commissioner of the department of energy.**

Amendment to HB 2-FN-A-LOCAL

1 1 New Paragraph; Bank Commissioner; Public Deposit Investment Pool. Amend RSA 383:22 by
2 inserting after paragraph IV the following new paragraph:

3 V. The commissioner shall charge the public deposit investment pool any actual costs
4 incurred by the department for the operation of the pool as well as any expenses of department
5 personnel assisting in the operation of the pool. The cost for personnel assisting in the operation of
6 the pool shall be determined in accordance with the per diem examination charge established in RSA
7 383:11, I, provided that the requirement that no entity shall be charged or pay less than one full day
8 shall not apply. The private investment advisor retained under paragraph II shall be responsible for
9 processing any invoice submitted for the actual costs incurred by the department and the expenses of
10 department personnel under this paragraph.

2021-0635h

AMENDED ANALYSIS

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

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 Limitation; Horse and Dog Racing; Historic Racing Included. Amend RSA 284:1 to read as
2 follows:

3 284:1 Limitation. This chapter shall be construed to apply only to running or harness horse
4 racing, whether live, [ø] simulcast **or historic**, or simulcast dog racing.

5 2 Racing and Charitable Gaming; Lottery Commission; Historic Racing. Amend RSA 284:6-a,
6 VI to read as follows:

7 VI. The lottery commission shall not authorize the use of any electronic gaming device in
8 connection with the acceptance of wagers on running or harness horse racing, whether live, [ø]
9 simulcast **or historic**, or simulcast dog racing, the type of which was not in use prior to January 1,
10 2011, unless specific authorization for such electronic gaming device is enacted by the general court.
11 Electronic gaming devices shall mean and include all electro-mechanical instruments and devices
12 used for the purposes of gaming, other than wagering on live, [ø] simulcast **or historic** horse racing
13 or simulcast dog racing, whether in physical presence or through the Internet, and such shall
14 include, but not be limited to, video slot machines and other gambling devices which function or are
15 designed to function to emulate a video slot machine [~~or historic racing machine~~]. This section shall
16 not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct
17 of wagering on live, simulcast, horse racing or simulcast dog racing, which type of equipment was in
18 service prior to January 1, 2011, with updated or new equipment which are the functional equivalent
19 of the machines which are being replaced, provided the equipment is not an electronic gaming device
20 as described in the previous sentence. This section shall not be interpreted as prohibiting licensees
21 from accepting account wagers in compliance with applicable rules and regulations.

22 **VII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers**
23 **on historic horse races, whether on an electronic gaming device or otherwise, so long as**
24 **such wagers meet the requirements of this chapter. Historic horse racing machines shall**
25 **be programmed and operated for pari-mutuel wagering only.**

26 3 Rulemaking; Historic Racing. Amend RSA 284:12, IV to read as follows:

27 IV. The sale of pari-mutuel pools as authorized under RSA 284:22, [and] RSA 284:22-a, **and**
28 **RSA 284:22-b.**

29 4 License Required; Investigation Fees. Amend RSA 284:12-a, I to read as follows:

30 I. No person, association, corporation, or any other type of entity shall hold any live running
31 or harness race or meet, **shall offer wagers on historic horse races**, or shall conduct any

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1 simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without
2 a license from the lottery commission.

3 5 New Section; Pari-Mutuel Pools on Historic Horse Races. Amend RSA 284 by inserting after
4 section 22-a the following new section:

5 284:22-b Pari-Mutuel Pools on Historic Horse Races.

6 I. In this section:

7 (a) "Historic horse race" means:

8 (1) Any horse race whether running or harness, that was previously conducted at a
9 licensed pari-mutuel facility;

10 (2) Concluded with official results; and

11 (3) Concluded without scratches, disqualifications, or dead-heat finishes.

12 (b) "Licensee" means any individual, association, partnership, joint-venture, corporation,
13 or other organization or other entity which holds a game operator employer license under RSA 287-
14 D.

15 (c) "Pari-mutuel method of wagering" means:

16 (1) A method of wagering in which those who wager on horses that finish in the
17 position or positions for which wagers are taken share in the total amounts wagered, plus any
18 amounts provided by a licensee, may include a nonrefundable contribution to serve as a seed or
19 guarantee; and

20 (2) A totalizator or similar mechanical equipment calculates pari-mutuel pools and
21 payouts associated with each winning wager.

22 II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant
23 shall have been game operator employer licensed under RSA 287-D as of May 1, 2020 and still
24 licensed as of the effective date of this section, provided such sales are within the enclosure of a
25 facility at which the licensee holds its licensed activities under RSA 287-D, and that such facility is
26 located within the city or town in which the licensee held its license on May 1, 2020. An application
27 that is approved by the lottery commission, and a license that is granted shall not be permitted to be
28 transferred or sold.

29 III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may
30 take place on electronic gaming devices provided that:

31 (a) All wagers use the pari-mutuel method of wagering.

32 (b) A licensee at all times maintains at least 2 terminals offering the same type of wager
33 on all historic horse races.

34 (c) The terminal makes available true and accurate past performance information on
35 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 6 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 7 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 8 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 9 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 10 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 11 Effective Date.

7 I. Section 10 of this act shall take effect July 1, 2024.

8 II. Sections 1-9 of this act shall take effect upon its passage.

UNAPPROVED

2021-0685h

AMENDED ANALYSIS

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

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 Tax Expenditure Report; Weighted Apportionment Factors Removed. Amend RSA 71-C:2 to
2 read as follows:

3 71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the
4 community development finance authority investment tax credit as computed in RSA 162-L:10; the
5 economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development
6 tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the
7 education tax credit as computed in RSA 77-G:4; ~~the weighted apportionment factors under RSA 77-~~
8 ~~A:3, II(a);~~ **the regional career and technical education center tax credit pursuant to RSA**
9 **188-E:9-a;** and the exemption for qualified regenerative manufacturing companies allowed under
10 RSA 77-A:1, I and RSA 77-E:1, III.

11 2 Business Profits Tax; Single Sales Factor; Amendment to Prospective Amendment. 2019,
12 346:426, prospectively amending RSA 77-A:3, I-III, are repealed and reenacted to read as follow:

13 346:426 Business Profits Tax; Apportionment; 2026. RSA 77-A:3, I-III are repealed and
14 reenacted to read as follows:

15 I. A business organization which derives gross business profits from business activity both
16 within and without this state, and which is subject to a net income tax, a franchise tax measured by
17 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
18 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
19 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
20 of such business profits. Except as provided in this section, such apportionment shall be made in the
21 following manner:

22 (a) For taxable periods ending before December 31, 2026:

23 (1) The business organization's gross business profits shall be apportioned on the
24 basis of the following 3 factors:

25 (A) The percentage of value of the total real and tangible personal property
26 owned, rented and employed by the business organization everywhere as is owned, rented and
27 employed by it in the operation of its business in this state. Property owned by the business
28 organization shall be valued at its original cost. Property rented by the business organization shall
29 be valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate
30 paid by the business organization less any annual rental rate received by the business organization
31 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.

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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 3 Legislative Committee on Apportionment; Extended; Duties Revised. Amend RSA 77-A:23-a
37 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 4 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 5 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.**

UNAPPROVED

2021-0695h

AMENDED ANALYSIS

Insert: 1. 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.

2. 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.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 New Paragraph; Unemployment Compensation; Fraud Detection. Amend RSA 282-A:118 by
2 inserting after paragraph VII the following new paragraph:

3
4 VIII. That for the purpose of preventing and detecting fraud in the unemployment
5 compensation system as well as efficiently coordinating and streamlining integrity improvement
6 efforts, the commissioner of the department of employment security may enter into an agreement
7 with the National Association of State Workforce Agencies' Center for Employment Security
8 Education and Research, Inc. (CESER) as agent for the United States Department of Labor
9 (USDOL) for participation in the Integrity Data Hub (IDH). The department's participation in IDH
10 and any resulting use of confidential data by USDOL and CESER shall be in accordance with all
11 state laws, federal laws as well as state and federal regulations pertaining to prevention and
12 detection of fraud, waste, and abuse in the unemployment compensation system. The information
13 thus provided by the department to the IDH shall be used solely for administration of state and
14 federal unemployment compensation laws. Information under this paragraph shall only be provided
15 upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in
16 place.

2021-0747h

AMENDED ANALYSIS

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

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 New Section; State Liquor Stores; Agency Store. Amend RSA 177 by inserting after section 9
2 the following new section:

3 177:9-a Agency Liquor Store; License Fee. The fee for an agency store license shall be as
4 determined in RSA 178:29, II(c).

5 2 Liquor Licenses; Off-Premises Fees. Amend the introductory paragraph of RSA 178:29, II to
6 read as follows:

7 II. Off-premises licenses shall pay **one of** the following applicable fees annually:

8 3 New Subparagraph; Liquor Licenses; Retail Tobacco. Amend RSA 178:29, II by inserting after
9 subparagraph (d) the following new subparagraph:

10 (e) Retail tobacco license:

11 (1) 1 register, \$216

12 (2) 2-3 registers, \$408

13 (3) 4 or more registers, \$648

14 4 Repeal; Liquor License Fee; Retail Tobacco. RSA 178:29, V-a(a), relative to the fee for a retail
15 tobacco license, is repealed.

16 5 Retail Tobacco License. Amend RSA 178:19-a to read as follows:

17 178:19-a Retail Tobacco License.

18 I. The commission may issue a retail tobacco license to a person engaged in the business of
19 retail sales and distribution of tobacco products **including e-cigarettes** in this state. Each retail
20 outlet shall have a separate license regardless of the fact that one or more outlets may be owned or
21 controlled by a single person.

22 ***I-a. The commission may issue a retail tobacco license to any business holding a***
23 ***license to sell alcoholic beverages under RSA 178 for an additional fee of \$6 per licensed***
24 ***location.***

25 II. A retail tobacco license shall be prominently displayed on the premises described in it.

26 III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
27 which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco
28 products or e-cigarettes to persons under age 21. Warning: violators of these provisions may be
29 subject to a fine."

30 ***IV. All sales of tobacco, including e-cigarettes, shall be recorded on cash registers.***
31 ***No additional registers shall be added during the remainder of the year without prior***

1 *approval of the commission. No rebate shall be allowed for cash registers discontinued*
2 *during the license year.*

3 *V. The fee for a retail tobacco license shall be as determined in RSA 178:29, II(e).*

4 6 New Paragraph; On-Premises Cigar, Beverage, and Liquor License; Fee. Amend RSA 178:20-
5 a by inserting after paragraph IV the following new paragraph:

6 V. The fee for an on-premises cigar, beverage, and liquor license shall be as determined in
7 RSA 178:29, I.

8 7 New Paragraph; Combination License; Fee. Amend RSA 178:18 by inserting after paragraph
9 III the following new paragraph:

10 IV. The fee for a combination license shall be as determined in RSA 178:29, II(b).

11 8 New Paragraph; Retail Wine License; Fee. Amend RSA 178:19 by inserting after paragraph
12 IV the following new paragraph:

13 V. The fee for a retail wine license shall be as determined in RSA 178:29, II(a).

14 9 New Paragraph; Beer Specialty License; Fee. Amend RSA 178:19-d by inserting after
15 paragraph VI the following new paragraph:

16 VII. The fee for a beer specialty license shall be found in RSA 178:29, II(d).

17 10 Applicability. The provisions of sections 1-9 of this act shall be applicable on the first day of
18 the month following its effective date.

19 11 Effective Date. Sections 1-9 of this act shall take effect 60 days after its passage.

2021-0792h

AMENDED ANALYSIS

Add new: 1. Makes changes to liquor license fees for agency licenses and retail tobacco licenses and clarifies certain other liquor license fee provisions.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 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 2 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 3 Closing of State Stores; Enforcement and Licensing Division Renamed. Amend RSA 177:2, II
25 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.

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1 4 Liquor/Wine/Beverage Warehouse License; Division of Enforcement and Licensing Renamed.
2 Amend RSA 178:11, V to read as follows:

3 V. Liquor/wine/beverage warehouse owners shall submit a monthly report both to the liquor
4 commission [~~enforcement~~] **education** and licensing division and the marketing, merchandising, and
5 warehousing division of the commission by the tenth day of the following month indicating the
6 quantity, type, size, and brands of all product received, stored, or shipped on their premises.

7 5 On-Premises Cocktail Lounge Licenses; Enforcement and Licensing Division Renamed.
8 Amend RSA 178:22,V(h)(12) to read as follows:

9 (12) Violations of subparagraph (11) of this subparagraph shall be investigated by
10 the [~~enforcement~~] **education** division of the liquor commission and directed to the department of
11 justice for examination of issues unrelated to this title.

12 6 Alcohol Consultant; Enforcement and Licensing Division Renamed. Amend the introductory
13 paragraph of RSA 178:27-a, VI to read as follows:

14 VI. Alcohol consultants shall register each educational event with the liquor commission-
15 division of [~~enforcement~~] **education** and licensing. The commission shall adopt rules, pursuant to
16 RSA 541-A, relative to:

17 7 Fees; Expiration Dates; Enforcement and Licensing Division Renamed. Amend RSA 178:29,
18 VIII(b) to read as follows:

19 (b) After one year, a licensee may select the anniversary month in which to renew a
20 license. A licensee may change the anniversary renewal month of a license once by making a written
21 request to the director of [~~enforcement~~] **education** and licensing. A licensee who changes the
22 anniversary renewal month of a license shall not change the anniversary renewal month for a period
23 of 3 years from the selected month. Nothing in this paragraph shall be construed to be contrary to
24 the provisions of RSA 178:3 or commission rules.

25 8 Transportation of Beverages and Wine; Liquor Investigators Renamed. Amend RSA 179:15 to
26 read as follows:

27 179:15 Transportation of Beverages and Wine. A person may transport or deliver beverages and
28 wines in this state without a license, provided such beverages and wines were obtained as
29 authorized by this title and provided such beverages and wines are for consumption only and not for
30 resale purposes. Licensees may transport and deliver to their place of business beverages and wines
31 purchased as authorized under this title, and, except on-premises licensees, may transport and
32 deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles
33 operated under the control of themselves or of their employees or agents, provided that the owner of
34 such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on
35 behalf of the licensee for whom they are transporting such beverages and wines. Every person
36 operating such a vehicle, when engaged in such transportation or delivery, shall carry a copy of the
37 license in the vehicle so operated, and shall carry such evidence as the commission by rule may

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1 prescribe showing the origin and destination of the beverages and wines being transported or
2 delivered. Upon demand of any [~~law enforcement officer, investigator~~] **liquor license specialist**, or
3 employee of the commission, the person operating such vehicle shall produce for inspection a copy of
4 the license and the evidence required by this section. Failure to produce such license or evidence
5 shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided,
6 beverages and wines may be transported within the state only by a railroad or steamboat
7 corporation or by a person regularly and lawfully conducting a general express or trucking business,
8 and in each case holding a valid carrier's license issued by the commission. Nothing in this section
9 shall prohibit individual retail licensees from arranging for the delivery of wine products to a
10 location central for the parties involved.

11 9 Retention of Invoices and Sale and Delivery Slips; Liquor Investigators Renamed. Amend
12 RSA 179:35 to read as follows:

13 179:35 Retention of Invoices and Sale and Delivery Slips. All invoices, sales slips and delivery
14 slips, current and covering a period of 60 days prior to the current date pertaining to purchases of
15 beverages and liquor shall be retained by the licensee on the premises or be readily available for
16 examination by the commission or its liquor [~~investigators~~] **license specialists**.

17 10 Prosecutions; Effective January 1, 2022. RSA 179:59 is repealed and reenacted to read as
18 follows:

19 179:59 Prosecutions. Any person violating the provisions of any law under Title XIII may be
20 prosecuted by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

21 11 Interference with Liquor Investigators; Renamed Liquor License Specialists. Amend RSA
22 179:60 to read as follows:

23 179:60 Interference With Liquor [~~Investigators~~] **License Specialists**. It shall be unlawful to
24 [~~resist or attempt to resist arrest by a liquor investigator~~], or to obstruct, or to intimidate or interfere
25 with a liquor [~~investigator~~] **license specialist** in the performance of his **or her** duty. Any person
26 who violates any of the provisions of this section shall be guilty of a misdemeanor.

27 12 Enforcement and Licensing Renamed. Amend RSA 21-J:14, V(d)(9) to read as follows:

28 (9) An officer or employee of the division of enforcement of the liquor commission,
29 pursuant to an agreement for exchange of information between the department and the division of
30 [~~enforcement~~] **education and licensing**, for the purposes of, and only to the extent necessary for,
31 the administration and enforcement of RSA 78:16. Officers or employees of the division of
32 [~~enforcement~~] **education and licensing** having any confidential and privileged department
33 information obtained from the department pursuant to the exchange agreement authorized under
34 this subparagraph shall be subject to the provisions of this section.

35 13 Enforcement and Licensing Division Renamed. Amend RSA 94:1-a, I(a) GG to read as
36 follows:

37 GG Liquor commission director of [~~enforcement~~] **education** and licensing

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1 14 Enforcement and Licensing Division Renamed. Amend RSA 179:13, V to read as follows:

2 V. Each wholesale distributor, brew pub licensee, nano brewery, or beverage manufacturer
3 shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in
4 making payment of accounts. Notification shall be delivered in writing to the licensee by a
5 representative of the wholesaler, brew pub licensee, nano brewery, or beverage manufacturer. Proof
6 of notification shall be forwarded to the commission, whose [~~enforcement~~] **education and licensing**
7 division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and
8 shall forward a report of violation for administrative action. Any license issued to any business
9 violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of
10 accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew
11 pub licensee's, nano brewery's, or beverage manufacturer's notification, providing the requirements
12 of this section have been met.

13 15 Repeal. RSA 176:10, relative to preferences for war veterans, is repealed.

14 16 Effective Date.

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

16 II. The remainder of this act shall take effect July 1, 2021.

2021-0844h

AMENDED ANALYSIS

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

UNAPPROVED

1 inherently racist or are inherently inclined to oppress others, or that members of a sex are
2 inherently sexist or inclined to oppress others.

3 V. "The state of New Hampshire" means all agencies and political subdivisions of the state
4 of New Hampshire, including counties, cities, towns, school districts, and the state university
5 system.

6 VI. "Student" means any and all students of any school district, school, college, or university
7 which receives grants, funds, or assets from the state of New Hampshire.

8 10-C:2 Unlawful Propagation of Divisive Concepts.

9 I. Requirements for the state of New Hampshire:

10 (a) The state of New Hampshire shall not teach, instruct, or train any employee,
11 contractor, staff member, student, or any other individual or group, to adopt or believe any of the
12 divisive concepts defined in RSA 10-C:1, II.

13 (b) No employee, contractor, staff member, or student of the state of New Hampshire
14 shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse,
15 embrace, confess, act upon, or otherwise assent to the divisive concepts defined in RSA 10-C:1, II.

16 II. Requirements for government contractors:

17 (a) All state contracts entered into on or after the effective date of this chapter shall
18 include the following provision:

19 "During the performance of this contract, the contractor agrees as follows:

20 The contractor shall not use any workplace training that inculcates in its employees any form of race
21 or sex stereotyping or any form of race or sex scapegoating, including the concepts that: (a) one race
22 or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or
23 sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual
24 should be discriminated against or receive adverse treatment solely or partly because of his or her
25 race or sex; (d) members of one race or sex cannot and should not attempt to treat others without
26 respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race
27 or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed
28 in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt,
29 anguish, or any other form of psychological distress on account of his or her race or sex; or (h)
30 meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular
31 race to oppress another race. The term "race or sex stereotyping" means ascribing character traits,
32 values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual
33 because of his or her race or sex, and the term "race or sex scapegoating" means assigning fault,
34 blame, or bias to a race or sex, or to members of a race or sex because of their race or sex."

35 (b) The contractor shall send to each labor union or representative of workers with
36 which the contractor has a collective bargaining agreement or other contract or understanding, a
37 notice, to be provided by the agency contracting officer, advising the labor union or workers'

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1 representative of the contractor's commitments under this section, and shall post copies of the notice
2 in conspicuous places available to employees and applicants for employment.

3 (c) In the event of the contractor's noncompliance with the requirements of this section,
4 or with any rules, regulations, or policies that may be promulgated in accordance with this section,
5 the contract may be canceled, terminated, or suspended in whole or in part and the contractor may
6 be declared ineligible for further government contracts.

7 (d) The contractor shall include the provisions of this section in every subcontract or
8 purchase order unless exempted by rules, regulations, or policies of the department of administrative
9 services, so that such provisions shall be binding upon each subcontractor or vendor. The contractor
10 shall take such action with respect to any subcontract or purchase order as may be directed by the
11 department of administrative services as a means of enforcing such provisions including sanctions
12 for noncompliance.

13 III. The department of administrative services, or an agency designated by the department
14 of administrative services, is directed to investigate complaints received alleging that a state
15 contractor is utilizing such training programs in violation of the contractor's obligations under the
16 binding provisions of this section. The department shall take appropriate enforcement action and
17 provide remedial relief, as appropriate.

18 IV. The heads of all agencies shall review their respective grant programs and identify
19 programs for which the agency may, as a condition of receiving such a grant, require the recipient to
20 certify that it will not use state funds or assets to promote any of the divisive concepts defined in
21 RSA 10-C:1, II.

22 V. Requirements for agencies.

23 (a) The fair and equal treatment of individuals is an inviolable principle that must be
24 maintained in the state workplace. Agencies should continue all training that will foster a
25 workplace that is respectful of all employees. Accordingly:

26 (1) The head of each agency shall use his or her authority under to ensure that the
27 agency, agency employees while on duty status, and any contractors hired by the agency to provide
28 training, workshops, forums, or similar programming, for purposes of this section, "training," to
29 agency employees do not teach, advocate, act upon, or promote in any training to agency employees
30 any of the divisive concepts listed in RSA 10-C:1; and

31 (2) Agency diversity and inclusion efforts shall, first and foremost, encourage agency
32 employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic
33 protected by federal or state law.

34 (b) The commissioner of the department of administrative services, pursuant to RSA
35 541-A, shall develop regulations for the enforcement of the provisions of this statute.

36 (c) Each agency head shall:

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1 (1) Issue a policy incorporating the requirements of this chapter into agency
2 operations, including by making compliance with the policy a provision in all agency contracts;

3 (2) Request that the agency thoroughly review and assess not less than annually
4 thereafter, agency compliance with the requirements of the policy in the form of a report submitted
5 to the department of administrative services; and

6 (3) Assign at least one senior political appointee responsibility for ensuring
7 compliance with the requirements of the policy.

8 VI. Review of agency training.

9 (a) All training programs for state agency employees relating to diversity or inclusion
10 shall, before being used, be reviewed by the department of administrative services for compliance
11 with the requirements of RSA 10-C:2, V.

12 (b) If a contractor provides a training for agency employees relating to diversity or
13 inclusion that teaches, advocates, or promotes the divisive concepts defined in RSA 10-C:1, II, and
14 such action is in violation of the applicable contract, the agency that contracted for such training
15 shall evaluate whether to pursue debarment of that contractor, consistent with applicable law and
16 regulations.

17 10-C:3 General Provisions.

18 I. Nothing in this chapter shall prevent agencies or contractors from promoting racial,
19 cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the
20 requirements of this chapter.

21 II. Nothing in this chapter shall be construed to prohibit discussing, as part of a larger
22 course of academic instruction, the divisive concepts listed in RSA 10-C:1, II in an objective manner
23 and without endorsement.

24 III. If any provision of this chapter, or the application of any provision to any person or
25 circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions
26 to any other persons or circumstances shall not be affected thereby.

27 2. Effective Date. This act shall take effect January 1, 2022.

2021-0925h

AMENDED ANALYSIS

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

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 Application of Emergency Orders.

2 I. The state hereby recognizes that the issuance of multiple executive orders may have
3 created undue hardship or confusion and contributed to the stressful environment for business
4 operations, particularly small business entities. The penalties associated with violations of these
5 orders, while issued in the interest of public health, should not unduly penalize law-abiding
6 businesses.

7 II. Notwithstanding any provision of law to the contrary, state, county, and local
8 jurisdictions shall not enforce, and shall reverse, any violation of the governor's emergency orders
9 regarding the COVID-19 pandemic.

10 III. Any business fines issued under executive or emergency orders issued in response to
11 COVID-19 or in accordance with RSA 4:47 shall be refunded. The governor is hereby authorized to
12 draw a warrant for up to \$10,000 for this purpose out of any money in the treasury not otherwise
13 appropriated.

14 IV. The attorney general shall request that the court dismiss any pending enforcement
15 action related to violation of an emergency order issued by the governor in response to the COVID-19
16 pandemic.

17 V. Any record of violation or written warning for such violations shall be expunged if
18 requested in writing, and such records shall not be admissible in any subsequent or future court
19 proceeding. Notwithstanding the provisions of RSA 651:5, IX, there shall be no charge to the
20 petitioner for expungement of these records.

2021-0914h

AMENDED ANALYSIS

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

Amendment to HB 2-FN-A-LOCAL

1 1 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the
2 following new sections:

3 437:8-a Animal Records Database Established.

4 I. The department of agriculture, markets, and food shall design, establish, and contract
5 with a third party for the implementation and operation of an electronic system to facilitate the
6 handling of animal records.

7 II. The department shall maintain a reporting system capable of receiving electronically
8 transmitted records from veterinarians. The commissioner shall adopt rules under RSA 541-A to
9 govern methods of obtaining, compiling, and maintaining such information he or she deems
10 necessary to manage such database including procedures for providing authorized access. The
11 commissioner shall also ensure that the database is secure from unauthorized access or use.

12 III. The commissioner may issue a waiver to a veterinarian who is unable to submit
13 information by electronic means. Such waiver may permit the veterinarian to submit information by
14 paper form or other means, provided all information required by RSA 437:8 is submitted in this
15 alternative format and within the established time limit.

16 IV. The commissioner may grant a reasonable extension to a veterinarian who is unable, for
17 good cause, to submit all the information required by RSA 437:8 within the established time limits.
18 Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be
19 immune from any civil or criminal liability as the result of such good faith reporting.

20 V. There is established a nonlapsing fund to be known as the animal records database fund
21 in the department of agriculture, markets, and food which shall be kept distinct and separate from
22 all other funds. All moneys in the animal records database fund shall be nonlapsing and continually
23 appropriated to the commissioner, and except as otherwise provided in law, shall be used for the
24 purpose of administering and maintaining the animal records database established in this section.
25 The database fund shall draw moneys only from grants and appropriations.

26 VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the
27 agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA
28 435:20,V, and the integrated pest management fund established under RSA 430:50, as provided in
29 RSA 430:50, IV.

30 437:8-b Confidentiality.

31 I. Information contained in the animal records database under RSA 437:8-a, information
32 obtained from it, and information contained in the records of requests for information from the

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1 database, shall be confidential, and shall not be a public record or otherwise subject to disclosure
2 under RSA 91-A, and shall not be subject to discovery, subpoena, or other means of legal compulsion
3 for release. Such information shall not be shared with an agency or institution, except as provided
4 in this subdivision.

5 II. Information submitted to the animal records database is exempt from public disclosure.
6 Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not
7 affect the disclosure of information used in official local, state, or federal animal health
8 investigations or pet vendor license investigations under this chapter. Database records,
9 information, or lists may be made available pursuant to a court order on a case-by-case basis. Any
10 information, record, or list received pursuant to this paragraph shall not be transferred or otherwise
11 made available to any other person or listed entity not authorized under this paragraph.

12 III. The department shall establish and maintain procedures to ensure the privacy and
13 confidentiality of animal and animal owner information.

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

17 V. No animal records database records, information, or lists shall be sold, rented,
18 transferred, or otherwise made available in whole or in part, in any form or format, directly or
19 indirectly, to another person.

20 VI. Certificates of transfer shall be removed from the animal records database after 4 years.

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

24 VIII. Nothing in this section shall limit the right of a person damaged by a violation to
25 pursue any other appropriate cause of action.

26 2 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as
27 follows:

28 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

29 I. For purposes of this chapter, an official certificate of transfer means an electronic record
30 electronically submitted to the animal records database by a licensed veterinarian, containing the
31 name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender,
32 breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or
33 ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of
34 communicable diseases or internal or external parasites. A list of all vaccines and medication
35 administered to the dog, cat, or ferret shall be included in the certificate.

36 II. The electronically submitted certificate of transfer shall be considered the official
37 certificate of transfer. A copy of the certificate of transfer of the dog, cat, or ferret offered for

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1 transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and
2 made available for inspection by the department, local officials, or a member of the public upon
3 request up to one year after the animal has left the facility. The public shall be informed of their
4 right to inspect a copy of the certificate of transfer for each dog, cat, or ferret offered for transfer by a
5 sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a
6 dog, cat, or ferret, a copy of that animal's certificate of transfer shall be given to the transferee in
7 addition to any other documents which are customarily delivered to the transferee.

8 III. For purposes of this chapter, an official certificate of transfer waiver means an electronic
9 record electronically submitted to the animal records database provided in lieu of an official
10 certificate of transfer for a dog, cat, or ferret that has failed the examination for an official certificate
11 of transfer because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus.
12 The waiver shall contain the name and address of the entity transferring ownership of the dog, cat,
13 or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical
14 description of the dog, cat, or ferret; the reason for failure of the examination for the official
15 certificate of transfer; and the signature of the transferee indicating that the transferee has
16 knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and
17 medication administered to the dog, cat, or ferret shall be included in the certificate of transfer
18 waiver. The waiver shall be submitted electronically to the animal records database by a New
19 Hampshire licensed veterinarian.

20 IV. No person, firm, corporation, or other entity shall ship or bring into the state of New
21 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
22 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
23 ferret less than 8 weeks of age.

24 V. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
25 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian
26 separated from other animals on the premises before being offered for transfer.

27 VI. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements
28 of this section relative to transferring dogs, cats, and ferrets except that:

29 (a) All animal shelter facilities shall have on premises a microchip scanner and shall
30 maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or
31 microchip registries.

32 (b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos,
33 ear tags, or other permanent forms of positive identification and shall scan for a microchip upon
34 admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to
35 transferring ownership of an unclaimed or abandoned animal.

36 VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
37 without first being protected against infectious diseases using vaccines approved by the state

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1 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
2 unless accompanied by a copy of the official certificate of transfer or official certificate of transfer
3 waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the
4 transferred animal is accompanied by a copy of the official certificate of transfer or official certificate
5 of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall
6 reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and
7 the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or
8 her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it
9 shall be prima facie evidence of transfer.

10 3 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after
11 subparagraph (364) the following new subparagraph:

12 (365) Moneys deposited in the animal records database fund established in RSA
13 437:8-a, V.

14 4 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend
15 RSA 435:20 by inserting after paragraph IV the following new paragraph:

16 V. The commissioner shall transfer funds from the agricultural product and scale testing
17 fund established under RSA 435:20, IV to the animal records database fund established in RSA
18 437:8-a to develop and make operational the animal records database. The commissioner shall
19 certify to the secretary of state and the director of the office of legislative services the date on which
20 the animal records database is operational. For 2 years after such certification, if needed for
21 database operation and maintenance, the commissioner may continue to transfer additional funds
22 from the agricultural product and scale testing fund to the animal records database fund for this
23 purpose.

24 5 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50
25 by inserting after paragraph III the following new paragraph:

26 IV. The commissioner shall transfer funds from the integrated pest management fund
27 established in this section to the animal records database fund established in RSA 437:8-a to develop
28 and make operational the animal records database. The commissioner shall certify to the secretary
29 of state and the director of the office of legislative services the date on which the animal records
30 database is operational. For 2 years after such certification, if needed for database operation and
31 maintenance, the commissioner may continue to transfer additional funds from the integrated pest
32 management fund to the animal records database fund for this purpose.

33 6 Repeals. The following are repealed:

34 I. RSA 430:50, IV, relative to the authority of the commissioner of the department of
35 agriculture, markets, and food to transfer funds from the integrated pest management fund.

36 II. RSA 435:20, V, relative to the authority of the commissioner of the department of
37 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

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1 7 Applicability; Effective Dates.

2 I. Section 2 of this act shall take effect 90 days after the commissioner of the department of
3 agriculture, markets, and food certifies to the secretary of state and the director of the office of
4 legislative services that the animal records database established in RSA 437:8-a is operational.

5 II. Section 6 of this act shall take effect 2 years from the date on which the commissioner of
6 the department of agriculture, markets, and food certifies to the secretary of state and the director of
7 the office of legislative services, that the animal records database established in RSA 437:8-a is
8 operational.

9 8 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby
10 appropriated to the department of agriculture, markets, and food for the maintenance of the animal
11 records database. These appropriations are in addition to any other funds appropriated to the
12 department of agriculture, markets, and food. The governor is authorized to draw a warrant for said
13 sums out of any money in the treasury not otherwise appropriated.

14 9 Position Established. The classified position of IT Manager III is established in the
15 department of information technology to develop and administer the animal records database
16 established in RSA 437:8-a.

17 10 Effective Date.

18 I. Section 2 of this act shall take effect as provided in paragraph I of section 7 of this act.

19 II. Section 6 of this act shall take effect as provided in paragraph II of section 7 of this act.

2021-0919h

AMENDED ANALYSIS

Add:

1. 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.

UNAPPROVED