

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

6Apr2023... 1247h
6Apr2023... 1336h
6Apr2023... 1299h
6Apr2023... 1292h
6Apr2023... 1272h
6Apr2023... 1295h
6Apr2023... 1328h
6Apr2023... 1288h

2023 SESSION

23-1064
10/05

HOUSE BILL

2-FN-A-LOCAL

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

SPONSORS: Rep. Weyler, Rock. 14

COMMITTEE: Finance

AMENDED ANALYSIS

This bill:

1. Names the divisions of the department of information technology.
2. Authorizes the department of information technology to fill unfunded positions for the biennium ending June 30, 2025.
3. Broadens the community college system of New Hampshire's dual and concurrent enrollment program and makes an appropriation therefor.
4. Makes an appropriation to the university system of New Hampshire for the renovation of the Whittemore Center Arena.
5. Authorizes the liquor commission to transfer funds for its employee incentive program.
6. Establishes new unclassified positions within the department of corrections.
7. Authorizes the department of administrative services to conduct a reallocation of certified corrections officers and internal affairs investigators within the department of corrections and makes an appropriation therefor.
8. Moves positions within the department of corrections from group I to group II status in the New Hampshire retirement system, and removes the position of professional standards director from the department of corrections.
9. Makes certain organizational changes to the office of the commissioner of the department of environmental services.

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10. Alters the hearings process within the department of environmental services, for the wetlands council, water council, and air resources council to be under the attorney general.
11. Removes the subsurface systems fund established in RSA 485-A:30, I-b and directs the revenues to the water resources fund.
12. Makes certain changes to, and continuously appropriates, the fees collected for excavating and dredging permits being deposited into the water resources fund.
13. Modifies the wastewater plant operator certification fund to be continuously appropriated.
14. Mandates that applications for aid to municipalities for water pollution control under RSA 486:7 be filed within one year of final completion of the eligible project and makes an appropriation to such program.
15. Clarifies the chargeable area for fees associated with terrain alteration disturbances.
16. Removes certain limitations to the Winnepesaukee River basin control program.
17. Establishes a new chapter regulating PCB assistance, a corresponding fund, and makes an appropriation therefor.
18. Establishes the InvestNH Program.
19. Makes an appropriation for the Affordable Housing Fund.
20. Repeals statutes related to the advanced manufacturing education advisory council, membership and terms, duties, and the advanced manufacturing education fund.
21. Creates the establishment of the bridges house special account.
22. Establishes a fund and appropriations for the New Hampshire state prison administered by the department of corrections.
23. Makes an appropriation for the department of corrections IT infrastructure.
24. Makes an appropriation for the department of administrative services to purchase 2 Granite Place, Concord, New Hampshire.
25. Makes an appropriation for the body-worn and dashboard camera fund.
26. Authorizes the Christa McAuliffe memorial.
27. Establishes a commission on New Hampshire civics.
28. Makes an appropriation for expanding the Teacher of the Year program.
29. Requires the board of tax and land appeals to have at least one member of board be an attorney admitted to practice in New Hampshire.
30. Adjusts the transition provisions for group II service retirement adopted in 2011 over a 10 year period until 2033, and makes general fund appropriations each year to fund the cost of the benefits.
31. Moves the repeal of the interest and dividends tax from 2027 to 2025.
32. Redirects workers' compensation funds from the general fund to a department of labor restricted fund and makes changes to the employer insurance carrier reimbursement process.

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33. Alters the nomination process to the labor commissioner penalty appeal board.
34. Authorizes the commissioner of labor to adopt administrative rules to facilitate administration and enforcement of family and medical leave insurance.
35. Alters the composition of the workers' compensation appeal board.
36. Changes the term of office, the process to fill vacancies, and scope of authority of the department of transportation appeals board.
37. Creates an over-length, over-width, and over-height revolving fund credited to the department of transportation.
38. Authorizes highway surveillance for the security of the Little Bay Bridges in Dover and Newington.
39. Alters the definition of prime wetlands and adjacent buffers for state highway rights-of-way. and authorizes the commissioner of transportation to discontinue rights-of-way.
40. Authorizes the department of transportation to charge a credit card use convenience fee for aircraft operating fee transactions.
41. Clarifies the requirements for eligibility for the E-Z Pass transponder road toll discount.
42. Alters the process of the development of the statewide transportation improvement program plan.
43. Alters the process to claim assets which have escheated to the state.
44. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2025.
45. Transfers certain responsibilities of the department of environmental services and the public utilities commission to the department of energy.
46. Directs the department of energy to support offshore wind initiatives.
47. Changes the dates required to submit reports to the department of energy.
48. Increases staff and expenditures at the department of energy.
49. Changes the dates of the quarters for quarterly assessments by the public utilities commission.
50. Enables the commissioner of the department of energy to appoint a general counsel.
51. Removes the statutory fee for record requests from the division of motor vehicles.
52. Allows certain emergency medical care providers to administer Naloxone.
53. Enables the engagement of peer support services following a critical incident or other certain experiences by emergency services providers.
54. Reduces the appropriations to the department of education for education freedom accounts.
55. Changes the distribution schedule from the education trust fund.

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56. Defines episode of treatment in court-ordered placement of children and addresses department of education payment for placement for an episode of treatment.
57. Makes an appropriation to the department of education for the renovation of the Sugar River Valley Regional Technical Center in Newport.
58. Revises the formula for calculating adequate education grants and increases the amount of such funding.
59. Increases chartered public school funding.
60. Repeals the grade 3 statewide education improvement and assessment program data.
61. Provides that appropriations to state agencies for bond insurance and property and casualty insurance shall not be transferred or expended for any other purpose.
62. Provides that funds appropriated for state employee medical and surgical benefits shall be nonlapsing.
63. Clarifies administration of the salary adjustment fund and employee benefit adjustment account.
64. Changes the name of the department of administrative services state budget director to the state budget officer.
65. Provides the department of administrative services authority to bill agencies for planning and design costs associated with capital construction projects.
66. Makes an appropriation to the department of administrative services for technology upgrades.
67. Revises the duties and authority of the state commission on aging.
68. Establishes the salary schedule applicable to certain corrections officers.
69. Authorizes the department of administrative services to expend funds appropriated for additional parking for state employees in downtown Concord.
70. Establishes salaries and salary schedules for certain state officers and unclassified employees.
71. Increases the distribution of business profits and business enterprise tax revenues to the education trust fund.
72. Makes an appropriation to the department of health and human services for the Choose Love Program.
73. Allows the department of health and human services to fill unfunded positions.
74. Suspends the foster grandparents program.
75. Suspends the congregate housing and services program.
76. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program.

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77. Suspends the provision of direct and indirect graduate medical education payments to hospitals.
78. Suspends catastrophic aid payments to hospitals.
79. Allows for additional funding for Medicaid to schools.
80. Requires submission of health facility plans to the division of fire safety.
81. Amends certain powers and responsibilities of the workplace violence prevention and health care workplace safety commission and suspends state participation in the workplace violence prevention and health care workplace safety commission for the biennium ending June 30, 2025.
82. Establishes unclassified positions in the department of health and human services.
83. Authorizes the carry forward of funds for certain services for the developmentally disabled.
84. Limitations on reimbursement of county funds.
85. Makes appropriations to the department of health and human services for programs and systems.
86. Makes appropriations to the department of health and human services for Medicaid provider rate increases.
87. Repeals the department of business and economic affairs programs for college graduate retention incentive partnership (NH GRIP), COVID-19 micro enterprise relief fund, and the package plan program.
88. Revises the workforce development program administration.
89. Provides for public comment at the semi-annual meetings of the agricultural advisory board.
90. Reclassifies and renames positions in the department of justice to unclassified.
91. Establishes a handling charge for the division of charitable trusts.
92. Makes certain changes to the administration of programs within the department of justice.
93. Provides for continued retirement system administration of certain benefit payments to existing beneficiaries.
94. Increases the business finance authority unified contingent credit limit.
95. Revises or removes the regulation by the office of professional licensure and certification (OPLC) of several of the state's occupational regulatory boards and commissions.
96. Makes an appropriation to the New Hampshire retirement system to pay down the unfunded accrued liability.
97. Grants a supplemental allowance in 2023 to be paid by the retirement system to retired group II members' or beneficiaries' allowances. The cost of this supplemental allowance is paid from the state general fund.
98. Requires that the governor publicly post the budget trailer bill on the department of administrative services' website.

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

100. Modifies the state agency approval process for short term rentals of equipment for certain state trails, roads, bridges, and related maintenance and use of facilities.

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

102. Directs the department of agriculture, markets, and food to employ an electronic data processing system for all registrations under its purview and makes an appropriation therefor.

103. Prohibits the disposal of food waste into landfills under certain conditions, adds a new position of waste management specialist III to cover the new prohibited food waste disposal, and makes an appropriation for such position.

104. Changes the name of the PFAS loan fund to the PFAS response fund, and adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media.

105. Makes an appropriation to the solid waste management fund and targets food waste reduction and diversion.

106. Requires the liquor commission to submit a revised indirect cost allocation plan to the fiscal committee of the general court and the governor and council prior to closing a liquor store.

107. Establishes the land use review docket in the superior court and increases the amount of associate justices of the superior court to 22.

108. Modifies the department of military affairs and veterans services administration of certain fines and programs.

109. Directs the department of corrections to establish and administer an employee recruitment and retention program.

110. Allows the department of corrections to pay certain burial expenses of employees.

111. Makes an appropriation to the department of safety to develop and implement a system to electronically share an individual's bail condition status with law enforcement.

112. Requires the state police to establish a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and makes an appropriation therefor.

113. Adds a new position of academic research and improvement performance data analyst I to the department of education.

114. Makes an appropriation to the department of education for the National Student Clearinghouse Student Tracker Program.

115. Requires the department of education to seek participation in the Medicaid direct certification methodology for school meals program for free and reduced price meals for students in public kindergarten, elementary, and secondary schools.

116. Requires the community college system of New Hampshire to submit a report regarding the math learning communities program and makes an appropriation to support that program.

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117. Makes an appropriation to the community college system of New Hampshire for the implementation of the New Hampshire promise program.

118. Makes an appropriation to the community college system of New Hampshire to expand its workforce credential programs.

119. Modifies for the biennium the income eligibility for child care subsidies provided through programs administered by the department of health and human services.

120. Authorizes the commissioner of the department of health and human services to use TANF funds to avoid a wait list for employment-related child care services.

121. Requires the department of health and human services to set all child care services reimbursement rates for the biennium to match the 75th percentile of market rate survey.

122. Alters the duties and authority of the prescription drug affordability board, and mandates the department of insurance issue a report on the elimination of governmental redundancies related to the collection, analysis, and reporting on prescription drug prices between itself and the prescription drug affordability board by October 1, 2024.

123. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2028; extends the New Hampshire granite advantage health care program by changing the prospective repeal of the program to December 31, 2027; removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund; and reduces transfers from the liquor commission to the alcohol abuse prevention and treatment fund for fiscal year 2024.

124. Expands Medicaid to include certain postpartum health care services and makes an appropriation to the department of health and human services for this purpose.

125. Directs the department of health and human services to submit state plan amendments under Medicaid and CHIP to provide coverage to children and pregnant women lawfully residing in the United States, and makes an appropriation to the department of health and human services for this purpose.

126. Directs the department of health and human services to purchase a full body scanner from existing appropriations to the youth services center and authorizes the department to transfer funds among class lines within the Sununu youth services account.

127. Establishes a data privacy and information technology security governance board within the department of health and human services to oversee data privacy risk calculation and risk mitigation efforts, and makes an appropriation to the department for 2 classified employees to accomplish these objectives.

128. Makes an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Incidence Phase 3 Feasibility Study.

129. Transfers funds from the general fund to the highway fund for the 2023 fiscal year.

130. Establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund and makes an appropriation for the fund.

131. Adds chartered public schools to the procedures for consideration, approval, plan requirements, and determination of grants for school building aid.

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132. Increases the eligibility for free school meals to household incomes up to 300 percent of federal poverty guidelines, and provides funding for the additional costs from department of education appropriations.

133. Requires the use of funds from the American Rescue Plan Act of 2021 to construct the youth detention center.

134. Makes appropriations to the department of health and human services to support family resource infrastructure and to support residential treatment provider rates as a component of the system of care.

135. Revises the authority of the governor and general court to declare, renew, or terminate a state of emergency.

136. Changes the effective date for implementation of licensed historic horse racing in licensed facilities.

137. Requires a law enforcement agency to provide public notice of an immigration checkpoint.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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

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

1 1 Department of Information Technology; Divisions Established. Amend RSA 21-R:5 to read as
2 follows:

3 21-R:5 Divisions Established. The commissioner shall establish 4 divisions, **business**
4 **relationship management, user experience, infrastructure and operations, and user**
5 **services**, which shall be in alignment with the department's statewide strategic plan. Each division
6 shall be under the supervision of a division director appointed pursuant to RSA 21-R:3.

7 2 Department of Information Technology; Unfunded Positions; Authorization. Notwithstanding
8 any other provision of law to the contrary, the department of information technology may fill
9 unfunded positions during the biennium ending June 30, 2025, provided that the total expenditure
10 for such positions shall not exceed the amount appropriated for personnel services.

11 3 Career and Technical Education; Dual and Concurrent Enrollment Program. Amend RSA
12 188-E:26 to read as follows:

13 188-E:26 Program Established. There is established a dual and concurrent enrollment program
14 in CCSNH. Participation in the program shall be offered to high school and career technical
15 education center students in grades 10 through 12. The program shall provide opportunities for
16 qualified New Hampshire high school students to gain access and support for dual and concurrent
17 enrollment [~~in career and technical education courses, STEM (science, technology, engineering, and~~
18 ~~mathematics) and STEM-related] courses that are fundamental and necessary for success in
19 postsecondary education, career path opportunities, and to meet New Hampshire's emerging
20 workforce needs.~~

21 4 Regional Career and Technical Education; Dual and Concurrent Enrollment Program. Amend
22 RSA 188-E:27, II to read as follows:

23 II. A student in the program shall be provided funding for enrollment in no more than [2] 5
24 dual or concurrent enrollment courses taken in grade 10, no more than [2] 5 dual or concurrent
25 enrollment courses taken in grade 11, and no more than [2] 5 dual or concurrent enrollment courses
26 taken in grade 12. A student may take more than [2] 5 dual or concurrent enrollment courses per
27 year at his or her own expense.

28 5 Dual and Concurrent Enrollment Program; Appropriation. The sums of \$3,250,000 for the
29 fiscal year ending June 30, 2024, and \$3,250,000 for the fiscal year ending June 30, 2025, are hereby
30 appropriated to community college system of New Hampshire for the purpose of providing
31 scholarships and program support for the dual and concurrent enrollment program under RSA 188-

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1 E:26. This appropriation shall be in addition to any other funds appropriated to the community
2 college system of New Hampshire. The governor is authorized to draw a warrant for said sums out
3 of any money in the treasury not otherwise appropriated. Said appropriation shall not lapse.

4 6 Appropriation; University System of New Hampshire; Blockchain. There is hereby
5 appropriated to the University of New Hampshire's Interoperability Lab the sum of \$1,500,000 for
6 the fiscal year ending June 30, 2023 which shall be nonlapsing and shall be expended for the purpose
7 of establishing a program at the University of New Hampshire Interoperability lab to analyze the
8 interoperability of blockchain technology. The governor is authorized to draw a warrant for said sum
9 out of any money in the treasury not otherwise appropriated.

10 7 Effective Date. Section 6 of this act shall take effect June 30, 2023.

11 8 Appropriation; University System of New Hampshire; Whittemore Center Arena There is
12 hereby appropriated to the University of New Hampshire the sum of \$6,000,000 for the fiscal year
13 ending June 30, 2023 which shall be nonlapsing and shall be expending for the purpose of renovating
14 and expanding the Whittemore Center Arena. The governor is authorized to draw a warrant for said
15 sum out of any money in the treasury not otherwise appropriated.

16 9 Effective Date. Section 8 of this act shall take effect June 30, 2023.

17 10 New Paragraph; The Liquor Commission; Funds; Authority for Employee Incentive Program.
18 Amend RSA 176:16 by inserting after paragraph V the following new paragraph:

19 VI. The commission is authorized to transfer funds for its employee incentive program from
20 the liquor commission fund to such accounts as required to compensate qualifying employees as
21 provided in the liquor commission rules, Liq 800.

22 11 Department of Corrections; Transfer Authority. The following classes within the department
23 of corrections shall be exempt from the transfer restrictions in RSA 9:17-a and 9:17-c; classes: 10-
24 personal services-perm classified, 11-personal services unclassified, 12-personal services
25 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed, and 60-benefits. The
26 department is authorized to transfer funding in these classes within and amongst all accounting
27 units provided that any transfer of \$100,000 or more shall require prior approval of the fiscal
28 committee of the general court and governor and council. The provisions in this paragraph shall
29 remain in effect for the biennium ending June 30, 2025.

30 12 Department of Corrections; Unclassified Positions Established.

31 I. The unclassified positions of deputy director of health services, deputy director of
32 rehabilitative services, and deputy warden are hereby established in the department of corrections
33 and shall be qualified for that position by reason of education and experience and shall be appointed
34 by the commissioner of the department of corrections and who shall serve at the pleasure of the
35 commissioner. The positions shall be as follows:

36 (a) The deputy director of health services shall oversee the uniform integration of allied
37 healthcare, dental services, health information management and contractual healthcare services into

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1 the comprehensive medical and behavioral health system operated by the department of corrections
2 as well as ensuring adherence of licensed clinical staff to their respective practice laws, rules,
3 standards, and policies. In addition, the deputy director of health services will oversee the
4 departments business agreements to ensure compliance with the health insurance portability and
5 accountability act and its application within a correctional environment. This position shall also
6 establish an organizational reporting structure to ensure that all licensed clinical staff receive
7 adequate and appropriate supervision. Direct reports shall include the facility classified and
8 contracted health administrators and all allied healthcare and health information management
9 staff.

10 (b) The deputy director of rehabilitative services shall oversee the uniform integration of
11 institutional rehabilitative programs, reentry services, faith-based services, educational and
12 vocational offerings and family-based services operated by the department of corrections at all
13 locations for those incarcerated, as well as ensuring adherence of certified professionals to their
14 respective standards, rules and policies. In addition, this position will oversee and ensure
15 compliance with applicable grants and contractual agreements with external partners and seek
16 further resources to integrate into the correctional setting to improve programmatic resources for
17 the incarcerated population. The deputy director of rehabilitative services will also establish an
18 organizational reporting structure to ensure all staff, including certified educational professionals
19 receive adequate and appropriate supervision. Direct reports shall include but not limited to the
20 facilities classified administrators of program services, the education director, and institutional
21 program management staff.

22 (c) The deputy warden of the New Hampshire state prison for men will work in close and
23 immediate contact with prisoners on a daily basis, having responsibility for security. This position
24 will administer and direct facility objectives by assessing needs and operational effectiveness,
25 establishes controls, and monitors key performance measures and other quality improvement
26 protocols related to the identified organizational goals of the department and the New Hampshire
27 state prison for men. This position will assist the warden in management of the New Hampshire
28 state prison for men and its security force. This position will conduct post-incident reviews to
29 determine the scope of actions taken and whether those actions comply with applicable state law,
30 administrative rules, policies and procedures, training, and proper use of force. This position will
31 meet with those incarcerated and staff as necessary to determine the validity of requests and report
32 outcomes and areas of improvement to the warden. This position will oversee supervision of prison
33 security operations, bureau of classifications and client records, hobby craft/recreation staff, and
34 related program activities, and will work with the warden on facility budget planning and
35 development as it relates to equipment and operational costs. This position maintains its group II
36 law enforcement classification in the retirement system due to its being in close and immediate
37 contact with those incarcerated on a daily basis.

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1 II. The commissioner shall appoint a person to each position established pursuant to
2 subparagraph. Any vacancy shall be filled in the same manner as the original appointment.

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

6 IV. Upon completion of the appointment of the positions identified in paragraph I, the
7 following positions shall be abolished to allow for the transition of these classified positions with
8 their available appropriations into the unclassified positions. Funding shall be transferred into
9 expenditure class 011, within accounting unit 02-46-46-465010-8234, 02-46-46-469010-8232 and 02-
10 46-46-463510-3372. The incumbents in the abolished classified positions shall be offered the
11 opportunity to seek the commissioner's appointment of the unclassified positions:

12 (a) Administrator IV (Deputy Director of Health Services) #12849.

13 (b) Administrator IV (Deputy Director of Rehabilitative Services) #19953.

14 (c) Administrator IV (Deputy Warden) #16320.

15 13 Department of Corrections; Authorization to Transfer to Group II of the New Hampshire
16 Retirement System. Pursuant to the provision of RSA 100-A:3, IX, the following positions in the
17 department of corrections classified as group I positions are deemed to have met the requirement of
18 RSA 100-A:1, VII(b) and shall be transferred to group II status in the New Hampshire retirement
19 system:

20 I. Licensed Nursing Assistant III, #44273.

21 II. Licensed Nursing Assistant I, #44291.

22 III. Administrator -Secure Psychiatric Unit, #16849.

23 14 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend
24 RSA 21-H:7 to read as follows:

25 21-H:7 Qualifications and Compensation of Certain Officials.

26 I. The commissioner, assistant commissioner, [~~professional standards director,~~] director of
27 personnel and information, director of rehabilitative services, and the division directors of the
28 department shall be qualified to hold such positions by reason of education and experience.

29 II. The salaries of the commissioner, assistant commissioner, [~~professional standards
30 director,~~] director of personnel and information, director of rehabilitative services, and the division
31 directors of the department shall be as specified in RSA 94:1-a.

32 15 Department of Corrections; Position Reallocation; Appropriation.

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

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

4 16 Department of Environmental Services; Commissioner; Assistant Commissioner; Directors;
5 Chief Operations Officer; Compensation. Amend RSA 21-O:2, III-a and IV to read as follows:

6 III-a. The commissioner shall nominate for appointment by the governor and council a chief
7 operations officer of the commissioner's office who shall serve for a term of 4 years. The chief
8 operations officer shall oversee and coordinate the activities of the administrative services *unit* [~~7~~
9 ~~geology, public information and permitting, and laboratory services units,~~] and shall be responsible
10 for the following functions:

11 (a) Preparing agency budget requests.

12 (b) [~~Developing and implementing procedures for assuring smooth operation of the~~
13 ~~various units within the commissioner's office.~~

14 (c) [~~Ensuring compliance with directives and procedures by the governor and general~~
15 ~~court.~~

16 (d) [~~Implementing audit recommendations concerning the commissioner's office units.~~

17 (e)] Carrying out the directives of the commissioner and assistant commissioner.

18 IV. *The commissioner, or assistant commissioner, as designated by the*
19 *commissioner, shall be responsible for the following functions:*

20 (a) *Developing and implementing procedures for assuring smooth operation of*
21 *the various units within the commissioner's office;*

22 (b) *Ensuring compliance with directives and procedures by the governor and*
23 *general court; and*

24 (c) *Implementing audit recommendations concerning the commissioner's office*
25 *units.*

26 V. The salaries of the commissioner, the assistant commissioner, the chief operations officer
27 and each division director shall be as specified in RSA 94:1-a.

28 17 Department of Environmental Services; Office of the Commissioner. Amend RSA 21-O:12 to
29 read as follows:

30 21-O:12 Office of the Commissioner. The commissioner of environmental services shall
31 establish units within [his] *the* office to be responsible for: administrative services, [~~geology~~]
32 *geological survey, human resources*, planning, public information and permitting, risk analysis
33 and management, and [~~laboratory services~~] *legal*, which shall include the following functions and
34 such other functions as may be assigned by the commissioner:

35 I. Administrative services shall include the following services to all divisions, to the greatest
36 extent possible:

37 (a) Accounting, purchasing, and budget control.

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1 (b) Personnel management.

2 (c) Property, contracts, and grants management.

3 ~~[(d) Data processing.~~

4 ~~(e) Compiling, indexing, and managing data collected by all divisions, which shall be~~
5 ~~used to establish a departmental data base for use by all divisions of the department, and which~~
6 ~~shall be a public record.]~~

7 II. Geology shall be under the direction of the state geologist, who shall be the director of the
8 New Hampshire geological survey. The geological survey shall collect data and perform research on
9 the land, mineral, and water resources of the state, and disseminate the findings of such research to
10 the public through maps, reports, and other publications. The state geologist shall: consult with the
11 commissioner of the department of natural and cultural resources relative to the issuance of mining
12 permits under RSA 12-E; assist the directors of the divisions of water and waste management as
13 necessary; and perform such other duties as may be assigned by the commissioner. The state
14 geologist and all members of the New Hampshire geological survey shall be staff members of the
15 commissioner's office. The state geologist shall advise the department, and all other branches of
16 state and local government, concerning the geologic character of the state and its implications for
17 both economic and scientific needs in conjunction with all existing and future environmental factors
18 relating to the geology of the state. The state geologist shall maintain liaison with federal and other
19 state geologic agencies and with the state university. The state geologist shall also serve as a voting
20 member of the board of professional geologists.

21 III. Planning shall be under the direct supervision of the assistant commissioner and shall
22 include all department-level short and long-range planning activities and the coordination and
23 compilation of all division-level planning activities.

24 IV. Public information and permitting shall assist members of the general public, whenever
25 possible by directing them to the appropriate person within the relevant division of the department;
26 and generally providing members of the general public with all of the information necessary for
27 meeting permit requirements.

28 V. The risk analysis and management function shall be the direct responsibility of the
29 assistant commissioner, in accordance with RSA 125-H:7. The commissioner may call on any
30 personnel from any division or any other state department to assist the assistant commissioner in
31 the event of a crisis, disaster, or other occurrence or condition requiring analysis and management of
32 an actual or suspected risk of damage to the environment. The unit, once assembled by the
33 commissioner in the event of a crisis, disaster, occurrence, or condition, shall work closely with the
34 risk assessment bureau in the department of health and human services under the direction of the
35 assistant commissioner to:

1 (a) Make assessments of potential or actual risk of harm to the environment or, in
2 cooperation with the risk assessment bureau of the department of health and human services, to
3 persons.

4 (b) Manage environmental risk hazards using the results of the assessment described
5 above or any other available information to develop and evaluate regulatory options, within a
6 statutory framework, to reduce or eliminate the risk of harm to the environment.

7 ~~[VI. Laboratory services shall include such expert assistants and such facilities as are
8 necessary to support the investigatory, analytical, and enforcement functions of the department of
9 environmental services. The commissioner shall provide the commissioner of the department of
10 health and human services with direct access to all raw data, test results, and other information and
11 samples received or generated by the laboratories in the department deemed necessary by the
12 commissioner of the department of health and human services in order to carry out his or her
13 responsibilities to protect the public health.]~~

14 18 Department of Justice; Attorney General; Deputy; Associates; Assistants. Amend RSA 21-
15 M:3, VIII-IX to read as follows:

16 VIII. The attorney general shall appoint qualified applicants to serve as a hearing officer for
17 appeals to any of the councils established under RSA 21-O. The attorney general and the
18 commissioner of the department of environmental services may enter into a memorandum of
19 understanding to transfer funds sufficient to fund the hearing officer position, **clerical and**
20 **support personnel and services**, and related expenses. Such individual or individuals shall:

21 (a) Be qualified by education and experience in the conduct of administrative
22 adjudicative hearings and the application of law to facts; and

23 (b) Be fully screened by the attorney general from the outset of any such appeal from
24 any attorney representing the department.

25 **VIII-a. Upon request by the commissioner of the department of environmental**
26 **services, the attorney general shall appoint qualified applicants to serve as a hearing**
27 **officer for all administrative enforcement matters authorized under any provision of law**
28 **including, but not limited to, administrative fines and license actions. The attorney**
29 **general and the commissioner of the department of environmental services may enter into**
30 **a memorandum of understanding to fund the hearing officer position, clerical and support**
31 **personnel and services, and related expenses. Such individual or individuals shall:**

32 (a) **Be qualified by education and experience in the conduct of administrative**
33 **adjudicative hearings and the application of law to facts;**

34 (b) **Be fully screened by the attorney general from the outset of any such appeal**
35 **from any attorney representing the department;**

36 (c) **Regulate all procedural aspects of a proceeding, including presiding over**
37 **the hearing and any prehearing conferences; and**

1 **(d) Provide the commissioner with a proposed written decision on the merits**
2 **within 45 days of the conclusion of the final hearing.**

3 IX. When designated as the hearing officer for a particular appeal **to any of the councils**
4 **established under RSA 21-0**, the hearing officer shall:

5 (a) Regulate all procedural aspects of a proceeding, including presiding over the hearing
6 and any prehearing conferences;

7 (b) Subject to RSA 21-O:14, at the first prehearing conference order the parties and any
8 persons who have been allowed to intervene to participate in mediation if the hearing officer
9 concludes that it is reasonably possible that mediation will result in the resolution of the issues in
10 dispute in the proceeding. No order to mediate shall stay the appeal proceeding;

11 (c) ~~Adopt all findings of fact made by the council except to the extent any such finding is~~
12 ~~without evidentiary support in the record;~~

13 ~~(d) Deliberate with] Receive advice from an advisory quorum of the council [before~~
14 ~~reaching conclusions on mixed questions of law and fact] as described in RSA 21-O:14;~~

15 ~~(e)] (d) Decide all issues in the appeal including all questions of fact and law~~
16 ~~presented during the pendency of the appeal; and~~

17 ~~(f)] (e) Prepare and issue written decisions on all motions and on the merits of the~~
18 ~~appeal within 100 days of the conclusion of the hearing on the merits. [The hearing officer shall~~
19 ~~provide the council with a proposed written decision on the merits within 45 days of the conclusion of~~
20 ~~the hearing on the merits. If requested to do so by the members of the council participating in the~~
21 ~~discussion, the hearing officer shall meet with those members within the 100 day period to discuss~~
22 ~~the decision.]~~

23 19 Department of Environmental Services; Duties of Commissioner. Amend RSA 21-O:3, VIII-X
24 to read as follows:

25 VIII. Provide all necessary clerical and technical support to any council established by this
26 chapter. At a minimum, the commissioner shall:

27 (a) ~~[For any appeal from a department decision before any such council provide all~~
28 ~~necessary clerical and support personnel and services in order to:~~

29 ~~(1) Prepare notices and other documents required under RSA 541-A and distribute~~
30 ~~such notices and documents as directed by the hearing officer appointed under RSA 21-M:3, VIII;~~

31 ~~(2) Schedule the conduct of all council administrative appeal proceedings, as directed~~
32 ~~by the hearing officer appointed under RSA 21-M:3, VIII so as to ensure timely and efficient conduct~~
33 ~~of such proceedings;~~

34 ~~(3) Prepare and maintain the record, required by RSA 541-A, of all such appeals,~~
35 ~~which shall include the decisions issued in such proceedings.~~

36 ~~(b)] Provide comfortable and adequate space for the use of all councils in performing~~
37 ~~their official duties; and~~

1 ~~(e)~~ **(b)** Provide all necessary clerical and support personnel and services in order to:

2 (1) Prepare and distribute notices and other documents required under RSA 91-A for
3 council meetings; and

4 (2) Prepare and maintain as public records the official minutes of the meetings of all
5 councils supported by the department.

6 ***VIII-a. Have the authority to enter into a memorandum of understanding with the***
7 ***attorney general pursuant to RSA 21-M:3, VIII and VIII-a, to fund the hearing officer***
8 ***position, clerical and support personnel and services, and related expenses.***

9 IX. [Repealed.]

10 X. [Repealed.]

11 20 Department of Environmental Services; Wetlands Council. Amend RSA 21-O:5-a, V-VII to
12 read as follows:

13 V. ***A quorum of at least 3 members of*** the wetlands council shall ~~hear all~~ ***serve in an***
14 ***advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any hearing***
15 ***for*** administrative appeals from department decisions made under RSA 482-A relative to wetlands,
16 or under RSA 483-B relative to shoreland protection ~~[and shall decide all disputed issues of fact in~~
17 ~~such appeals,]~~ in accordance with RSA 21-O:14. ***Such a quorum shall be appointed by the***
18 ***chairperson; however, any member of the wetlands council not appointed to the quorum***
19 ***may voluntarily attend any hearing and participate to the same degree as a member***
20 ***appointed by the chairperson.***

21 VI. The commissioner of the department of environmental services shall present all
22 proposed rules relative to wetlands and protected shorelands to the wetlands council for
23 consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present
24 any objections to proposed rules to the commissioner in writing within 15 days. The commissioner
25 may adopt a rule to which the council has objected only after presenting a written reply to the
26 council detailing the reasons for adopting the rule over the objections of the council.

27 VII. ~~[The council shall adopt rules in accordance with the rulemaking provisions of RSA 541-~~
28 ~~A to govern its proceedings.]~~ ***During an appeal,*** the council shall be subject to the requirements of
29 RSA 541-A:36~~[-notwithstanding RSA 21-O:14].~~

30 21 Department of Environmental Services; Water Council. Amend RSA 21-O:7, IV to read as
31 follows:

32 IV. ***A quorum of at least 3 members of*** the water council shall ~~hear all~~ ***serve in an***
33 ***advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any hearing***
34 ***for*** administrative appeals from department decisions relative to the functions and responsibilities
35 of the division of water other than department decisions made under RSA 482-A relative to wetlands
36 and RSA 483-B relative to shoreland protection~~[-and shall decide all disputed issues of fact in such~~
37 ~~appeals,]~~ in accordance with RSA 21-O:14. ***Such quorum shall be appointed by the***

1 *chairperson; however, any member of the water council not appointed to the quorum may*
2 *voluntarily attend any hearing and participate to the same degree as a member appointed*
3 *by the chairperson.*

4 22 Department of Environmental Services; Waste Management Council. Amend RSA 21-O:9, V
5 to read as follows:

6 V. *A quorum of at least 3 members of the waste management council shall [hear all]*
7 *serve in an advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at*
8 *any hearing for administrative appeals from department decisions relative to the functions and*
9 *responsibilities of the division of waste management[; and shall decide all disputed issues of fact in*
10 *such appeals;]* in accordance with RSA 21-O:14. *Such quorum shall be appointed by the*
11 *chairperson; however, any member of the waste management council not appointed to the*
12 *quorum may voluntarily attend any hearing and participate to the same degree as a*
13 *member appointed by the chairperson.*

14 23 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, IV to
15 read as follows:

16 IV. *A quorum of at least 3 members of the air resources council shall [hear all] serve in*
17 *an advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any*
18 *hearing for administrative appeals from department decisions relative to the functions and*
19 *responsibilities of the division of air resources [and shall decide all disputed issues of fact in such*
20 *appeals;]* in accordance with RSA 21-O:14. *Such quorum shall be appointed by the*
21 *chairperson; however, any member of the air resources council not appointed to the*
22 *quorum may voluntarily attend any hearing and participate to the same degree as a*
23 *member appointed by the chairperson.*

24 24 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14, I-a
25 and I-b to read as follows:

26 I-a.(a) Any person aggrieved by a department decision may, in addition to any other remedy
27 provided by law, appeal *such decision by submitting a notice of appeal* to the council having
28 *advisory* jurisdiction over the subject matter of the appeal within 30 days of the date of the decision
29 and shall set forth fully in a notice of appeal every ground upon which it is claimed that the decision
30 complained of is unlawful or unreasonable. *The appeal shall be heard by a hearing officer*
31 *designated pursuant to RSA 21-M:3, VIII, with the advice of a quorum of the council.* Only
32 those grounds set forth in the notice of appeal shall be considered by the *hearing officer and the*
33 *quorum of the council.* On any such appeal, the [council] *hearing officer* shall determine whether
34 the department decision was unlawful or unreasonable by reviewing the administrative record
35 together with any evidence and testimony the parties to the appeal may present.

36 (b) On appeal, the [council] *hearing officer* may affirm the department decision or may
37 remand the matter to the commissioner with a determination that the decision complained of is

1 unlawful or unreasonable. The [~~council~~] **hearing officer** shall specify the factual and legal basis for
2 its determination and shall identify the evidence in the record created before the council that
3 supports its decision.

4 (c) In the case of a remand to the commissioner [~~by the council~~], the commissioner shall:

5 (1) Accept the [~~council's~~] **hearing officer's** determination and take action consistent
6 with the determination, imposing such conditions as are necessary and consistent with the purposes
7 of the chapter under which the department decision was issued; or

8 (2) Appeal as provided in paragraph III.

9 (d) If the commissioner issues a revised decision, the department may at any time, and
10 the appellant may within 30 days of issuance, request the council to confirm that the revised
11 decision is consistent with the council's remand order.

12 I-b. As an alternative to filing an appeal under paragraph I-a and in addition to any other
13 remedy provided by law, any person aggrieved by a department permitting decision may, within 30
14 days of the date of the decision, file with the council having jurisdiction over the subject matter of
15 the appeal a preliminary notice of appeal and an offer to enter into settlement discussions. Filings
16 made under this paragraph shall be made on forms maintained by the department and shall be
17 governed by the following:

18 (a) Notwithstanding any other provision of law prescribing the contents of a notice of
19 appeal, a preliminary notice of appeal shall contain only information identifying the appellant, the
20 decision being appealed, and a list of every ground on which the appellant claims that the decision is
21 unlawful or unreasonable.

22 (b) The preliminary notice of appeal and offer to enter into settlement discussions shall
23 be served on the commissioner and, if not filed by the applicant, on the applicant on the same day as
24 they are filed with the council.

25 (c) The offer to enter into settlement discussions shall propose mediated settlement
26 discussions, unmediated settlement discussions, or both.

27 (d) The department and, if applicable, the applicant shall notify the appellant in writing
28 within 7 days whether they accept the offer to enter into settlement discussions. Any such
29 notification accepting the offer shall propose dates within the ensuing 30 days on which to hold the
30 settlement discussions, and if the appellant's offer proposed both mediated and unmediated
31 settlement discussions the notification shall elect one or the other.

32 (e) A notice of appeal that complies fully with the [~~council's~~] **procedural** rules
33 **established pursuant to RSA 21-O:14, IV**, shall be filed no later than 45 days after the
34 preliminary notice of appeal was filed by the appellant under this paragraph. No notice of appeal
35 shall raise grounds for appeal beyond those contained in the preliminary notice of appeal.

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1 (f) If the department and, if applicable, the applicant accept the offer to enter into
2 settlement discussions the appeal shall be stayed until a notice of appeal is filed under subparagraph
3 (e).

4 (g) If the parties enter into mediated settlement discussions under this paragraph, the
5 provisions of paragraph I-c(a), (b), and (d) shall apply.

6 25 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14, III
7 and IV to read as follows:

8 III. Any party aggrieved by the disposition of an administrative appeal [~~before any council~~
9 ~~established by~~] **under** this chapter may appeal such results in accordance with RSA 541.

10 IV. The [~~councils established under this chapter~~] **attorney general** shall adopt **procedural**
11 rules under RSA 541-A to govern the conduct of administrative appeals under this section. [~~To the~~
12 ~~extent possible, the rules of the councils shall be consistent with each other.~~]

13 26 Water Management and Protection; Water Pollution and Waste Disposal; Sewage Disposal
14 Systems; Fees. Amend RSA 485-A:30, I-b to read as follows:

15 I-b. [~~There is hereby established the subsurface systems fund into which~~] The fees collected
16 under paragraph I shall be deposited **in the water resources fund established in RSA 482-A:3,**
17 **III** [~~The fund shall be a separate, nonlapsing fund, continually appropriated to the department~~] for
18 the purpose of paying all costs and salaries associated with the subsurface systems program **and**
19 **other land resources management programs.**

20 27 Repeal. RSA 6:12, I(b)(281), relative to the subsurface systems fund, is repealed.

21 28 Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging
22 Permit; Certain Exemptions. Amend RSA 482-A:3, III to read as follows:

23 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(e), and X are
24 continually appropriated to and shall be expended by the department for paying per diem and
25 expenses of the public members of the council, hiring additional staff, reviewing applications and
26 activities relative to wetlands under RSA 482-A, protected shorelands under RSA 483-B, alteration
27 of terrain under RSA 485-A:17, conducting field investigations, **individual sewage disposal**
28 **systems and subdivisions under RSA 485-A:30**, and holding public hearings. Such fees and any
29 monetary grants, gifts, donations, or interest generated by these funds shall be deposited with and
30 held by the treasurer in a nonlapsing **and continuously appropriated** fund identified as the water
31 resources fund.

32 29 Water Management and Protection; Water Pollution and Waste Disposal; Wastewater
33 Operator Certification; Application; Special Fund. Amend RSA 485-A:7-a, II to read as follows:

34 II. All applications shall be accompanied by a \$50 fee to cover department expenses for
35 conducting the certification program. All fees shall be deposited [~~with the state treasurer and~~
36 ~~deposited~~] in a special nonlapsing **and continuously appropriated** wastewater plant operator

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1 certification fund to be used by the department for the administration of this subdivision and for the
2 operation of the department-owned Wastewater Plant Operator Training Center.

3 30 Water Management and Protection; Aid to Municipalities for Water Pollution Control;
4 Application for Funding. Amend RSA 486:7 to read as follows:

5 486:7 Application for Funding. Application for payments under the provisions of this chapter
6 shall be made in accordance with rules adopted by the department under RSA 541-A, and shall be
7 based upon reports filed with the department prior to January 31 in the calendar year for which
8 payment is being requested. ***Final applications must be received within one year of final***
9 ***completion of project to be eligible for funding.***

10 31 Appropriation; Department of Environmental Services; Municipal Water Pollution Control.
11 There is hereby appropriated to the department of environmental services the sum of \$27,900,000
12 for the fiscal year ending June 30, 2023 for the purpose of administering payments pursuant to RSA
13 486:1 - RSA 486:8. The sum appropriated shall be nonlapsing for the biennium concluding June 30,
14 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury
15 not otherwise appropriated.

16 32 Effective Date. Section 31 of this act shall take effect June 30, 2023.

17 33 Water Management and Protection; Water Pollution and Waste Disposal; Enforcement;
18 Terrain Alteration. Amend RSA 485-A:17, II(b) to read as follows:

19 (b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per square foot
20 ***of disturbance associated with the amendment request*** fee for each request to amend a permit
21 that requires plans to be reviewed.

22 34 Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee
23 River Basin Control; Expenditures. Amend RSA 485-A:49, II to read as follows:

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

28 35 Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee
29 River Basin Control; Municipal Assessments. Amend RSA 485-A:50, III to read as follows:

30 III. The respective share of the assessments made in paragraphs I and II shall be paid to the
31 department by each municipality quarterly [~~on July fifteenth, October fifteenth, January fifteenth,~~
32 ~~and April fifteenth of that fiscal year~~], except for capital cost recovery assessments which shall be
33 paid annually [~~on July fifteenth~~]. After the close of each fiscal year, the department shall ascertain
34 its actual total expenses in accordance with the foregoing provisions, and then shall adjust the
35 assessment for the second quarterly payment of the new fiscal year for each such municipality
36 served for any under-payment or over-payment by each such municipality served for the prior fiscal
37 year.

1 36 New Chapter; PCB Assistance. Amend RSA by inserting after chapter 483-E the following
2 new chapter:

3 CHAPTER 483-F

4 PCB ASSISTANCE

5 483-F:1 Purpose Statement. The general court recognizes that polychlorinated bi-phenyl (PCB)
6 contamination is widespread in New Hampshire and impacts both land and water. As a result of
7 PCB laden products used both as intended and inappropriately dumped from 1929-1977, over 100
8 waterways have become impaired for fish consumption. In addition, waterfowl have been found to
9 have high levels of PCBs in their blood and in their eggs. The general court hereby declares that the
10 purpose of this chapter is to better understand the impact of PCBs on aquatic life and to ameliorate
11 those impacts to the greatest extent possible.

12 483-F:2 Definitions. In this chapter:

13 I. "Department" means the department of environmental services.

14 II. "Fund" means the PCB assistance fund established in this chapter.

15 483-F:3 PCB Assistance Fund.

16 I. There is hereby established in the department the PCB assistance fund which shall be
17 maintained in distinct and separate custody from all other funds, notwithstanding RSA 6:12. All
18 moneys in the fund shall be nonlapsing and continually appropriated to the department of
19 environmental services for the purposes of this chapter.

20 II. The commissioner may apply for and accept, from any source, gifts; donations of money;
21 grants; federal, local, private, and other matching funds and incentives; and interests in land for the
22 purposes of this chapter. The moneys collected under this paragraph shall be deposited in the fund
23 established under paragraph I of this section.

24 III. The commissioner shall adopt rules relative to the distribution of money from the fund,
25 taking into consideration ability to pay, natural disaster conditions and locations, requirements for
26 repair, replacement and treatment, and other factors as determined by the department.

27 37 Appropriation; Department of Environmental Services; PCB Contamination. The sum of
28 \$1,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the commissioner of the
29 department of environmental services for the purpose of assisting to fund studies, investigations and
30 remediation of PCB contamination. Such funds shall be nonlapsing to the commissioner of the
31 department of environmental services. The governor is authorized to draw a warrant for said sum
32 out of any money in the treasury not otherwise appropriated.

33 38 Effective Date. Section 37 of this act shall take effect June 30, 2023.

34 39 New Subdivision; InvestNH Program. Amend RSA 12-O by inserting the following new
35 subdivision after section 68:

36 InvestNH Fund and Program

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1 4:9-s Establishing the Bridges House Special Account Fund. There is hereby established in the
2 state treasury the Bridges house special account fund. The funds may be comprised of public funds,
3 gifts, grants or donations or any other source of funds, and shall be used for the purposes of the care,
4 maintenance, and repair of, and additions to, the Bridges house, or for any other relevant purpose
5 deemed appropriate by the bridges house advisory board. The fund shall be non-lapsing and shall be
6 continually appropriated to the department.

7 47 New Subparagraph; Application of Receipts; Bridges House Special Account. Amend RSA
8 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

9 (388) Moneys deposited in the bridges house special account fund under RSA 4:9-s.

10 48 New Section; Department of Corrections; New Hampshire State Prison Fund Established.
11 Amend RSA 21-H by inserting after section 16 the following new section:

12 21-H:17 Department of Corrections; New Hampshire State Prison Fund Established. There is
13 hereby established in the state treasury a state prison fund, which shall be a fund administered by
14 the department of corrections. The fund shall not lapse. The fund is established for the purpose of
15 design and construction of a new New Hampshire state prison.

16 49 New Subparagraph; Application of Receipts; New Hampshire State Prison Fund 2023.
17 Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

18 (388) Moneys deposited in the New Hampshire state prison fund under RSA 21-
19 H:17.

20 50 Appropriation; Department of Corrections; New Hampshire State Prison; 2023. There is
21 hereby appropriated to the department of corrections the sum of \$10,000,000 for the fiscal year
22 ending June 30, 2023 for deposit in the state prison fund under RSA 21-H:17, for the purpose of
23 preliminary design and complete site survey for a new state prison. The sum appropriated shall not
24 lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury
25 not otherwise appropriated.

26 51 Effective Date. Sections 48-50 of this act shall take effect June 30, 2023.

27 52 Appropriation; Department of Corrections; IT Infrastructure. There is hereby appropriated
28 to the department of corrections the sum of \$1,340,000 for the fiscal year ending June 30, 2023
29 which shall be nonlapsing until June 30, 2025 for the purpose of replacing certain computers and
30 information technology infrastructure. The sum appropriated shall not lapse. The governor is
31 authorized to draw a warrant for said sum out of money in the treasury not otherwise appropriated.

32 53 Effective Date. Section 52 of this act shall take effect on June 30, 2023.

33 54 Appropriation; Department of Administrative Services. There is hereby appropriated to the
34 department of administrative services the sum of \$21,000,000 for the fiscal year ending June 30,
35 2023 for the purpose of purchasing 2 Granite Place, Concord, New Hampshire in order to provide
36 office space for the department of justice and other state agencies, or for any other purpose the
37 commissioner of the department of administrative services determines is necessary, provided that

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1 any unexpected amount following the purchase shall lapse to the general fund. The sum
2 appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of
3 money in the treasury not otherwise appropriated.

4 55 Effective Date. Section 54 of this act shall take effect on June 30, 2023.

5 56 Appropriation; Body-Worn and Dashboard Camera Fund. There is hereby appropriated to
6 the department of Safety for deposit in the body-worn and dashboard camera fund established in
7 RSA 105-D:3 the sum of \$1,005,000 for the fiscal year ending June 30, 2023. The sum appropriated
8 shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the
9 treasury not otherwise appropriated.

10 57 Effective Date. Section 56 of this act shall take effect on June 30, 2023.

11 58 Department of Natural and Cultural Resources; Christa McAuliffe Memorial.

12 I. The department of natural and cultural resources shall design, construct, and maintain a
13 permanent memorial to Christa McAuliffe on state house grounds, specifically, at the front facing
14 area of the state house.

15 II. The governor is authorized to accept for the department of natural and cultural
16 resources, in the name of the state, any gifts of money, which are donated to construct and maintain
17 the Christa McAuliffe memorial. Notwithstanding any other provision of law, the department may
18 accept donated in-kind services, goods, and materials for the construction and maintenance of the
19 memorial without governor and council approval.

20 III. Any gifts of money, which are donated to contract, construct, and maintain the
21 memorial, shall be placed in the special nonlapsing account in the state treasury, to be expended for
22 the purposes of the Christa McAuliffe memorial. Any money remaining in the special account after
23 construction of the memorial is completed shall be used for the care, maintenance, repair, and
24 additions to the memorial, or for any other purpose deemed appropriate.

25 IV. The memorial shall be permanently affixed to state house grounds, on the front facing
26 portion of the state house, upon completion.

27 59 Appropriation; Christa McAuliffe Memorial. There is hereby appropriated to the department
28 of natural and cultural resources which shall be placed in a special nonlapsing account in the state
29 treasury, the sum of \$100,000 for the fiscal year ending June 30, 2023 for the purpose of designing,
30 constructing, and maintaining a permanent memorial to Christa McAuliffe on state house grounds,
31 specifically the front facing area of the state house. The sum appropriated shall not lapse. The
32 governor is authorized to draw a warrant for said sum out of any money in the treasury not
33 otherwise appropriated.

34 60 Effective Date. Sections 58 and 59 of this act shall take effect June 30, 2023.

35 61 New Section; Department of Education; The Commission on New Hampshire Civics;
36 Commission Established. Amend RSA 21-N by inserting after section 8-b the following new section:

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1 21-N:8-c Commission Established; Department of Education; New Hampshire Schools Civics
2 Program. The commission on New Hampshire civics is hereby established to develop educational
3 materials to teach the state constitution in New Hampshire schools.

4 I. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

5 (a) Three public members appointed by the governor, of which at least one shall be a
6 parent of a student in a qualified New Hampshire education program.

7 (b) The chair of NH Civics, or designee.

8 (c) The chief justice of the New Hampshire supreme court, or designee.

9 (d) The secretary of state, or designee.

10 (e) The chief administrative judge of the New Hampshire superior court, or designee.

11 (f) The chief administrative judge of the New Hampshire circuit court or designee.

12 (g) The commissioner of the department of education, or designee.

13 (h) Two New Hampshire civics teachers appointed by the commissioner of education.

14 (i) The executive director of the New Hampshire historical society, or designee.

15 (j) Two members of the house of representatives, appointed by the speaker of the house
16 of representatives.

17 (k) One member of the senate, appointed by the president of the senate.

18 (l) One member of the governor's office, appointed by the governor.

19 II. The commission shall create a textbook and related curriculum specifically designed for
20 New Hampshire students and teachers to help them explore the history, heritage and principles of
21 the New Hampshire Constitution and the government it established.

22 (a) A paper copy of the published textbook shall be available for each New Hampshire
23 civics classroom and an interactive electronic version shall be made available on the department of
24 education's website or in another form to all New Hampshire citizens at no charge.

25 (b) The commission shall meet as often as the chair determines and shall publish the
26 book on or before August 1, 2025.

27 III. The members of the commission shall elect a chairperson among the members. The first
28 meeting of the commission shall be called by the first-named governor appointee. The first meeting
29 of the commission shall be held within 30 days of the effective date of this section. A majority of the
30 members of the commission shall constitute a quorum.

31 62 Appropriation; Department of Education. There is hereby appropriated to the department of
32 education the sum of \$250,000 for the fiscal year ending June 30, 2023 which shall not lapse until
33 June 30, 2025 for the purpose of expanding the Teacher of the Year program by providing
34 promotional, training, professional development, and collaboration with other stakeholder's
35 opportunities.

36 63 Effective Date. Section 62 of this act shall take effect June 30, 2023.

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1 64 Appropriation; Department of Natural and Cultural Resources; State Library. There is
2 hereby appropriated to the department of natural and cultural resources the sum of \$1,000,000 for
3 the fiscal year ending June 30, 2023 to begin executing a process to assess the books and material
4 currently in the state library and begin the removal and safe storage of the books and materials.
5 The sum appropriated shall be nonlapsing. The governor is authorized to draw a warrant for said
6 sum out of any money in the treasury not otherwise appropriated.

7 65 Effective Date. Section 64 of this act shall take effect June 30, 2023.

8 66 Board of Tax and Land Appeals. Amend RSA 71-B:1 to read as follows:

9 71-B:1 Board Established. There is hereby established a board of tax and land appeals,
10 hereinafter referred to as the board, which shall be composed of 3 members who shall be learned and
11 experienced in questions of taxation or of real estate valuation and appraisal or of both. ***At least***
12 ***one member of the board shall be an attorney admitted to practice in New Hampshire.*** The
13 members of the board shall be full-time employees and shall not engage in any other employment
14 during their terms that is in conflict with their duties as members of the board.

15 67 New Paragraph; Definition; Vested. Amend RSA 100-A:1 by inserting after paragraph
16 XXXVII the following new paragraph:

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

20 68 Definition of Earnable Compensation; Group II. Amend RSA 100-A:1, XVII to read as
21 follows:

22 XVII. "Earnable compensation" shall mean:

23 (a) For ***group I*** members who have attained vested status prior to January 1, 2012 the
24 full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday
25 and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance
26 stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers
27 and full-time employees who are employed in paraprofessional or support position, additional pay for
28 instructional activities of full-time faculty of the community college system, and any military
29 differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the
30 member for meals or living quarters if subject to federal income tax, but excluding other
31 compensation except cash incentives paid by an employer to encourage members to retire,
32 supplemental pay paid by the employer while the member is receiving workers' compensation, and
33 teacher development pay that is not part of the contracted annual salary. [~~Compensation for extra
34 and special duty, as reported by the employer, shall be included but limited during the highest 3
35 years of creditable service as provided in paragraph XVIII.~~] However, earnable compensation in the
36 final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2
37 times the higher of the earnable compensation in the 12-month period preceding the final 12 months

1 or the highest compensation year as determined for the purpose of calculating average final
2 compensation, but excluding the final 12 months. Any compensation received in the final 12 months
3 of employment in excess of such limit shall not be subject to member or employer contributions to
4 the retirement system and shall not be considered in the computation of average final compensation.
5 Provided that, the annual compensation limit for members of governmental defined benefit pension
6 plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended,
7 shall apply to earnable compensation for all employees^[5] **and** teachers~~[- permanent firemen, and~~
8 ~~permanent policemen]~~ who first become eligible for membership in the system on or after July 1,
9 1996. Earnable compensation shall not include compensation in any form paid later than 120 days
10 after the member's termination of employment from a retirement eligible position, with the limited
11 exceptions of disability related severance pay paid to a member or retiree no later than 120 days
12 after a decision by the board of trustees granting the member or retiree disability retirement
13 benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid
14 within 120 days after termination but which, without the consent of the member and not through
15 any fault of the member, was paid more than 120 days after the member's termination. The member
16 shall have the burden of proving to the board of trustees that any severance payment paid later than
17 120 days after the member's termination of employment is earnable compensation and meets the
18 requirements of an asserted exception to the 120-day post-termination payment requirement.

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

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

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

35 (4) (3) Earnable compensation shall not include incentives to encourage members
36 to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or
37 vacation time. Earnable compensation in the final 12 months of creditable service prior to

1 termination of employment shall be limited to 1 1/2 times the higher of the earnable compensation in
 2 the 12-month period preceding the final 12 months or the highest compensation year as determined
 3 for the purpose of calculating average final compensation, but excluding the final 12 months. Any
 4 compensation received in the final 12 months of employment in excess of such limit shall not be
 5 subject to member or employer contributions to the retirement system and shall not be considered in
 6 the computation of average final compensation. Provided that, the annual compensation limit for
 7 members of governmental defined benefit pension plans under section 401(a)(17) of the United
 8 States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all
 9 employees[,] **and** teachers[, ~~permanent firemen, and permanent policemen~~] who first become eligible
 10 for membership in the system on or after July 1, 1996. Earnable compensation shall not include
 11 compensation in any form paid later than 120 days after the member's termination of employment
 12 from a retirement eligible position.

13 *(c) For group II members who have attained vested status prior to January 1,*
 14 *2013, the full base rate of compensation paid, as determined by the employer, plus any*
 15 *overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living*
 16 *bonus, annual attendance stipend or bonus, additional pay for instructional activities,*
 17 *and any military differential pay, plus the fair market value of non-cash compensation*
 18 *paid to, or on behalf of, the member for meals or living quarters if subject to federal income*
 19 *tax, but excluding other compensation except cash incentives paid by an employer to*
 20 *encourage members to retire, supplemental pay paid by the employer while the member is*
 21 *receiving workers' compensation. Compensation for extra and special duty, as reported by*
 22 *the employer, shall be included but limited during the highest 3 years of creditable service*
 23 *as provided in paragraph XVIII. However, earnable compensation in the final 12 months*
 24 *of creditable service prior to termination of employment shall be limited to 1-1/2 times the*
 25 *higher of the earnable compensation in the 12-month period preceding the final 12 months*
 26 *or the highest compensation year as determined for the purpose of calculating average*
 27 *final compensation, but excluding the final 12 months. Any compensation received in the*
 28 *final 12 months of employment in excess of such limit shall not be subject to member or*
 29 *employer contributions to the retirement system and shall not be considered in the*
 30 *computation of average final compensation. Provided that, the annual compensation limit*
 31 *for members of governmental defined benefit pension plans under section 401(a)(17) of the*
 32 *United States Internal Revenue Code of 1986, as amended, shall apply to earnable*
 33 *compensation for all permanent firemen and permanent policemen who first become*
 34 *eligible for membership in the system on or after July 1, 1996. Earnable compensation*
 35 *shall not include compensation in any form paid later than 120 days after the member's*
 36 *termination of employment from a retirement eligible position, with the limited exceptions*
 37 *of disability related severance pay paid to a member or retiree no later than 120 days after*

1 *a decision by the board of trustees granting the member or retiree disability retirement*
 2 *benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be*
 3 *paid within 120 days after termination but which, without the consent of the member and*
 4 *not through any fault of the member, was paid more than 120 days after the member's*
 5 *termination. The member shall have the burden of proving to the board of trustees that*
 6 *any severance payment paid later than 120 days after the member's termination of*
 7 *employment is earnable compensation and meets the requirements of an asserted exception*
 8 *to the 120-day post-termination payment requirement.*

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

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

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

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1 69 Definition of Average Final Compensation; Group II. Amend RSA 100-A:1, XVIII to read as
2 follows:

3 XVIII. "Average final compensation" shall mean:

4 (a) For **group I** members who have attained vested status prior to January 1, 2012, the
5 average annual earnable compensation of a member during his or her highest 3 years of creditable
6 service, or during all of the years in his or her creditable service if less than 3 years. ~~[For purposes~~
7 ~~of this calculation, the inclusion of the average annual compensation for extra and special duty in~~
8 ~~the 3 years shall not exceed the average annual amount of compensation for extra and special duty~~
9 ~~paid to the member over the member's last 7 years of creditable service on or after July 1, 2009, as~~
10 ~~reported by the employer in accordance with RSA 100-A:16, VI, or over all of the years in his or her~~
11 ~~creditable service on or after July 1, 2009 if less than 7 years.]~~

12 (b) ***For group II members who have attained vested status prior to January 1,***
13 ***2013, the average annual earnable compensation of a member during his or her highest 3***
14 ***years of creditable service, or during all of the years in his or her creditable service if less***
15 ***than 3 years. For purposes of this calculation, the inclusion of the average annual***
16 ***compensation for extra and special duty in the 3 years shall not exceed the average annual***
17 ***amount of compensation for extra and special duty paid to the member over the member's***
18 ***last 7 years of creditable service on or after July 1, 2009, as reported by the employer in***
19 ***accordance with RSA 100-A:16, VI, or over all of the years in his or her creditable service on***
20 ***or after July 1, 2009 if less than 7 years.***

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

29 ~~[(c)]~~ (d)(1) For group II members who commenced service prior to July 1, 2011 and
30 who have not attained vested status prior to January 1, ~~[2012]~~ **2013**, the average annual earnable
31 compensation of a member during his or her highest 5 years of creditable service, or during all of the
32 years in his or her creditable service if less than 5 years. For purposes of inclusion in this
33 calculation, the average percentage of compensation paid in excess of the full base rate of
34 compensation in the highest 5 years shall not exceed the average percentage of compensation paid in
35 excess of the full base rate of compensation over all the member's years of service on or after
36 January 1, **2013**.

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

9 70 Group II Service Retirement Benefits. Amend RSA 100-A:5, II to read as follows:

10 II. Group II Members.

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

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

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

30 (2) For members who are in vested status before January 1, ~~2012~~ **2013**, a state
31 annuity which, together with his or her member annuity, shall be equal to 2- 1/2 percent of his or her
32 average final compensation multiplied by the number of years of his or her creditable service not in
33 excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity
34 which, together with his or her member annuity, shall be equal to 2 percent of his or her average
35 final compensation multiplied by the number of years of his or her creditable service not in excess of
36 42.5 years, and group II members who have not attained vested status prior to January 1, ~~2012~~

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1 **2013** shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum
2 number of years of creditable service not in excess of 40.5 years.

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

8 (c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member
9 who is in vested status before January 1, ~~2012~~ **2013** and has retired on or after the effective date of
10 this subparagraph after attaining the age of 45 with at least 20 years of creditable service, and any
11 group II member who commenced service on or after July 1, 2011 and retires after the effective date
12 of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and
13 group II members who have not attained vested status prior to January 1, ~~2012~~ **2013** who qualify
14 as provided in the transition provisions in RSA 100-A:5, II(d), shall receive a minimum annual
15 service retirement allowance of \$10,000. If such group II member has elected to convert the
16 retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the
17 surviving spouse shall be entitled to a proportional share of the \$10,000.

18 (2) [Repealed.]

19 (3) [Repealed.]

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

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

| | | | | |
|----|---------------------------------|-----------|---------------|-------------|
| 1 | less than 3 years | | | |
| 2 | (4) At least 3 years but | 24 | age 49 | 2.1% |
| 3 | less than 4 years | | | |
| 4 | (5) At least 4 years | 23 | age 48 | 2.2% |
| 5 | but less than 5 years | | | |
| 6 | (6) At least 5 years | 23 | age 48 | 2.2% |
| 7 | but less than 6 years | | | |
| 8 | (7) At least 6 years but | 22 | age 47 | 2.3% |
| 9 | less than 7 years | | | |
| 10 | (8) At least 7 years but | 22 | age 47 | 2.3% |
| 11 | less than 8 years | | | |
| 12 | (9) At least 8 years but | 21 | age 46 | 2.4% |
| 13 | less than 9 years | | | |

14 (e) Notwithstanding the transition provisions of subparagraph (d), the member may
15 replace the additional years of service required for minimum retirement age with the years of service
16 that are purchased under RSA 100-A:4, IX. Therefore, allowing the member to retire between the
17 age of 45 and 49 depending upon the years of service purchased. The purchased years under RSA
18 100-A:4, IX shall have an annual multiplier of 2.5 percent regardless of the percentage listed in
19 subparagraph (d).

20 71 Retirement; Maximum Retirement Benefit. Amend RSA 100-A:6-a to read as follows:

21 100-A:6-a Maximum Retirement Benefit.

22 (a) Notwithstanding any other provision of this chapter to the contrary, for members
23 who commenced service before [~~July 1, 2009~~] **July 1, 2001**, [~~or have attained vested status prior to~~
24 ~~January 1, 2012,~~] a member's initial calculation of the retirement benefit granted under the
25 provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year
26 of earnable compensation.

27 (b) For members who commenced service on or after [~~July 1, 2009 and have not attained~~
28 ~~vested status prior to January 1, 2012,~~] **July 1, 2001 and before July 1, 2011**, a member's
29 maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not
30 exceed the lesser of [~~85~~] **100** percent of the member's average final compensation or [~~\$120,000~~]
31 **\$125,000**.

32 (c) *For members who commenced service on or after July 1, 2011, a member's*
33 *maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6*
34 *shall not exceed the lesser of 85 percent of the member's average final compensation or*
35 *\$125,000.*

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1 **(d)** Nothing in this section shall affect the ability of a member to receive disability
2 benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of
3 supplemental allowances.

4 72 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted
5 in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term
6 "January 1, 2012" with the term "January 1, 2013": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1,
7 XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a);
8 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6,
9 II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d.

10 73 Subsequent Changes Effective January 1, 2025; Retirement System; Group II; Date Change
11 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
12 following RSA provisions by replacing the term "January 1, 2013" with the term "January 1, 2014":
13 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
14 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
15 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
16 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (9) from the table in RSA 100-A:5, II(d).

17 74 Subsequent Changes Effective January 1, 2026; Retirement System; Group II; Date Change
18 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
19 following RSA provisions by replacing the term "January 1, 2014" with the term "January 1, 2015":
20 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
21 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
22 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
23 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (8) from the table in RSA 100-A:5, II(d).

24 75 Subsequent Changes Effective January 1, 2027; Retirement System; Group II; Date Change
25 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
26 following RSA provisions by replacing the term "January 1, 2015" with the term "January 1, 2016":
27 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
28 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
29 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
30 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (7) from the table in RSA 100-A:5, II(d).

31 76 Subsequent Changes Effective January 1, 2028; Retirement System; Group II; Date Change
32 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
33 following RSA provisions by replacing the term "January 1, 2016" with the term "January 1, 2017":
34 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
35 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
36 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
37 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (6) from the table in RSA 100-A:5, II(d).

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1 77 Subsequent Changes Effective January 1, 2029; Retirement System; Group II; Date Change
2 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
3 following RSA provisions by replacing the term "January 1, 2017" with the term "January 1, 2018":
4 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
5 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
6 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
7 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (5) from the table in RSA 100-A:5, II(d).

8 78 Subsequent Changes Effective January 1, 2030; Retirement System; Group II; Date Change
9 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
10 following RSA provisions by replacing the term "January 1, 2018" with the term "January 1, 2019":
11 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
12 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) -(except table
13 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
14 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (4) from the table in RSA 100-A:5, II(d).

15 79 Subsequent Changes Effective January 1, 2031; Retirement System; Group II; Date Change
16 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
17 following RSA provisions by replacing the term "January 1, 2019" with the term "January 1, 2020":
18 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
19 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) -(except table
20 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
21 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (3) from the table in RSA 100-A:5, II(d).

22 80 Subsequent Changes Effective January 1, 2032; Retirement System; Group II; Date Change
23 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
24 following RSA provisions by replacing the term "January 1, 2020" with the term "January 1, 2021":
25 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1,
26 XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table
27 heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a)
28 and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (2) from the table in RSA 100-A:5, II(d).

29 81 Subsequent Changes Effective January 1, 2033; Retirement System; Group II; Date Change
30 for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the
31 following RSA provisions as follows:

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

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

36 III. 100-A:1, XVII(d)(1); replace "who have not attained vested status prior to January 1,
37 2021" with "who commenced service on or after July 1, 2011".

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

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

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

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

10 VIII. 100-A:5, II(b)(2); replace “who is in vested status before January 1, 2021” with “who
11 commenced service prior to July 1, 2011”; delete “, and group II members who have not attained
12 vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d)
13 with maximum number of years of credible service not in excess of 40.5 years”.

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

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

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

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

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

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

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

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

35 82 Retirement System; Group II; Funding; Appropriations.

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

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

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

9 83 Effective Date.

10 I. Section 73 of this act shall take effect January 1, 2025.

11 II. Section 74 of this act shall take effect January 1, 2026.

12 III. Section 75 of this act shall take effect January 1, 2027.

13 IV. Section 76 of this act shall take effect January 1, 2028.

14 V. Section 77 of this act shall take effect January 1, 2029.

15 VI. Section 78 of this act shall take effect January 1, 2030.

16 VII. Section 79 of this act shall take effect January 1, 2031.

17 VIII. Section 80 of this act shall take effect January 1, 2032.

18 IX. Section 81 of this act shall take effect January 1, 2033.

19 X. Sections 67-72 of this act shall take effect January 1, 2024.

20 84 Taxation of Incomes; Rate. Amend RSA 77:1 to read as follows:

21 77:1 Rate.

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

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

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

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

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

32 85 Returns for Interest and Dividends Taxes; 2027. Amend 2021, 91:100 to read as follows:

33 91:100 Returns for Interest and Dividends Taxes; ~~[2027]~~ **2025**. All persons who are liable for a
34 tax under RSA 77 as of December 31, ~~[2026]~~ **2024**, who thereafter are no longer liable for a tax under
35 RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of
36 revenue administration in such manner and on such forms as the commissioner shall prescribe in
37 rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to

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1 permit the audit and collection of taxes upon income taxable under RSA 77 which is received by
2 persons subject to taxation under that chapter through December 31, [2026] **2024**, and to permit the
3 distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the
4 payment of federal income taxes on a calendar year basis are entitled to such proportion of the
5 exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

6 86 Application; Repeal of RSA 77. Amend 2021, 91:101 to read as follows:

7 91:101 Application; Repeal of RSA 77. Paragraph II of section 99 shall apply to taxable periods
8 beginning after December 31, [2026] **2024**.

9 87 Amend Effective Date; Amend Repeal of Interest and Dividends Tax from 2027 to 2025.
10 Amend 2021, 91:102, II to read as follows:

11 II. Sections 90-100 of this act shall take effect January 1, [2027] **2025**.

12 88 Labor Commissioner; Civil Penalties. Amend RSA 273:11-a, I to read as follows:

13 I. In addition to any criminal penalty provided under this title, the commissioner may, after
14 hearing, impose a civil penalty not to exceed \$2,500, as determined by the commissioner, for any
15 violation of the provisions of, or any rule adopted pursuant to, this title, except RSA 273-A, RSA 273-
16 C, and RSA 282-A. All moneys collected under this section shall be deposited [~~in the general fund~~]
17 **into the department of labor restricted fund established in RSA 273:1-b**.

18 89 Workers' Compensation; Liability of Employer Failing to Comply. Amend RSA 281-A:7, I(b)
19 to read as follows:

20 (b) An insurance carrier which insures an employer and fails to file with the
21 commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be
22 assessed a civil penalty of up to \$50 for each day of noncompliance. The commissioner shall deposit
23 all moneys collected under this subparagraph [~~with the state treasurer for deposit into the general~~
24 ~~fund~~] **into the department of labor restricted fund established in RSA 273:1-b**.

25 90 Occupational Health and Safety Administration Certification. Amend RSA 277:5-a, III to
26 read as follows:

27 III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation
28 and enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in
29 addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of
30 noncompliance. All funds collected under this section shall be deposited into the [~~general fund~~]
31 **department of labor restricted fund established in RSA 273:1-b**. The labor commissioner shall
32 appoint as many individuals as necessary to carry out the department's responsibilities under this
33 section.

34 91 Penalty Appeal Board. Amend RSA 273:11-b to read as follows:

35 273:11-b Penalty Appeal Board.

36 I. There is hereby created a penalty appeal board which shall hear appeals from penalties
37 imposed by the commissioner.

38 II. The board shall be composed of 3 members, as follows:

1 (a) One person representing the interests of management, to be appointed by the
2 governor and council;

3 (b) One person representing the interests of labor, to be appointed by the governor and
4 council; and

5 (c) One person to serve as chairman, who shall be an attorney and who shall be familiar
6 with the labor laws of this state. The chairman shall be ~~chosen and~~ appointed ~~jointly~~ by ***the***
7 ***governor and council*** ~~[the other 2 members of the board; provided, however, that, if such members~~
8 ~~are unable to agree on the appointment of the chairman within 30 days after the later of their~~
9 ~~appointments, the governor and council shall appoint the chairman].~~

10 III. At the time of making appointments pursuant to paragraph II, the governor and council
11 ~~[or 2 appointing members of the board, as applicable,]~~ shall also appoint an alternate member
12 representing the interests of management, an alternate member representing the interests of labor
13 and an alternate chairman, who shall serve whenever the corresponding member of the board is
14 unable, because of a conflict of interest or otherwise, to participate in the determination of a matter
15 before the board.

16 IV. Members and alternate members shall be appointed for terms of 3 years and shall serve
17 until their successors are appointed and qualified. Vacancies shall be filled for the unexpired terms.
18 ~~[Members and alternate members shall serve without compensation but shall receive mileage at the~~
19 ~~same rate paid to state employees.]~~

20 ***V. The attorney member of the board shall receive \$400 per diem and all other***
21 ***members of the board shall each receive \$250 per diem for each day devoted to the work of***
22 ***the board and shall be reimbursed for necessary travel expenses. Said per diems shall be***
23 ***prorated to an hourly basis using 7.5 hours per day for other related work performed by***
24 ***board members.***

25 92 Family and Medical Leave Insurance. Amend RSA 275:37-d to read as follows:

26 275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and
27 sponsors family and medical leave insurance pursuant to RSA 21-I:99, then any employee of that
28 employer who takes family or medical leave and accesses wage replacement benefits under such
29 family and medical leave insurance coverage shall be restored to the position she or he held prior to
30 such leave or to an equivalent position by her or his employer consistent with the job restoration
31 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
32 2601 et seq. Such employers shall continue to provide health insurance to employees during the
33 leave. However, employees shall remain responsible for any employee-shared costs associated with
34 the health insurance benefits. Such employers shall not discriminate or retaliate against any
35 employee for accessing family or medical leave wage replacement benefits. Employers of employees
36 participating in the granite state paid family leave plan may require that paid leave taken under
37 this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a

1 collective bargaining agreement or other established employer policy or the Family and Medical
2 Leave Act, as applicable. ***In addition, the commissioner may adopt rules under RSA 541-A to***
3 ***facilitate administration and enforcement of this section.***

4 93 Boiler and Pressure Vessels; Exceptions. Amend RSA 157-A:6, III(e) to read as follows:

5 (e) Pressure vessels that do not exceed (1) 5 cubic feet in volume [ø] ***and*** 250 psig, (2) 1
6 1/2 cubic feet in volume or an inside diameter of 6 inches, and 3,000 psig.

7 94 Workers' Compensation; Appeals Board. Amend RSA 281-A:42-a, I to read as follows:

8 I. There is established a compensation appeals board. ***Until January 1, 2024***, the board
9 shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall
10 represent employers or workers' compensation insurers and 11 members shall be attorneys who
11 shall be neutral. ***On January 1, 2024, the commissioner shall identify 2 seats from each of***
12 ***the 3 sectors that are vacant or of an expired term, and eliminate those seats, reducing the***
13 ***entire pool to 27 members in total.*** Members of the board shall be appointed by the governor and
14 council from a list of nominees submitted by the commissioner. The commissioner shall submit at
15 least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council
16 who is not qualified or who ceases to be qualified in the capacity in which such person is serving on
17 the appeals board shall be replaced by the governor and council. Terms of board members shall be 3
18 years, except the initial appointments shall be staggered so that no more than 1/3 of the members'
19 terms shall expire in the same year. Members of the board shall have at least 5 years' experience in
20 the area of workers' compensation or human resources or administrative law. As a condition to
21 maintaining eligibility to hear appeals, board members shall have at least 10 hours annually of
22 training and briefing in the area of workers' compensation and relevant disciplines. The
23 commissioner, or designee, with the assistance of the attorney general's staff shall supervise and
24 approve the training. The commissioner shall have the authority to suspend the eligibility of any
25 member of the board who is not in compliance with such annual training requirements, and to
26 reinstate such member's eligibility upon compliance. The commissioner may suspend from active
27 participation any board member who fails to render a decision or order within 30 days of the hearing
28 as required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board
29 member is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or
30 the commissioner's representative shall be heard de novo by a 3-member panel, composed of an
31 attorney who shall serve as chair, one member representing labor and one member representing
32 employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision
33 by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the
34 decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested
35 party or an employee of an interested party shall participate as a member of the panel. The board
36 shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

37 95 Department of Transportation; Appeals Board. Amend RSA 21-L:14, I to read as follows:

1 I. There is established an appeals board consisting of 3 members. One member shall be a
2 registered professional engineer, one member shall be a person admitted to the practice of law in
3 this state, and one member shall be a person skilled in the field of public works and construction
4 who shall represent the general public. There shall be 2 alternate board members, who shall meet at
5 least one of the qualification categories set forth for board members. Each board member and
6 alternate board member shall be appointed by the governor with the consent of the council to a term
7 of 3 years, ~~provided that of the initial members appointed under this section one member shall be~~
8 ~~appointed to a term of one year, one member to a term of 2 years, and one member to a term of 3~~
9 ~~years. Vacancies shall be filled in a like manner for the unexpired term] **or until a successor is**~~
10 **appointed and qualified, whichever is later.** The governor shall designate one member to serve
11 as board chairman, and the board shall elect one member to serve as vice-chairman. In the event of
12 illness or disqualification of a member as set forth in RSA 673:14, the chairman shall designate an
13 alternate member to act in his place.

14 96 Appeals Board; Powers and Duties. Amend RSA 21-L:15, I to read as follows:

15 I. The board shall hear and decide appeals from decisions of the commissioner relative to
16 contract interpretation or other decisions affecting persons not employed by the department,
17 municipalities, or private property, except condemnations of property for public uses, and the
18 assessment of damages therefor. Decisions of division directors shall be appealed to the
19 commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions
20 relative to aeronautical matters, which may be appealed to the aviation users advisory board
21 established under RSA 21-L:8~~], and decisions relative to common carriers by rail, which may be~~
22 ~~appealed to the railroad appeals board established under RSA 21-L:16].~~

23 97 Repeal. RSA 21-L:16, relative to the railroad appeals board, is repealed.

24 98 New Paragraph; Weight; Permit Fees. Amend RSA 266:22 by inserting after paragraph V
25 the following new paragraph:

26 VI. There is hereby established an over-length, over-width, over-height, and over-weight
27 revolving fund from revenue received under this section. All revenue received by the department of
28 transportation for permit fees shall be credited to the fund and are hereby appropriated to the
29 department of transportation. Funds shall be nonlapsing and continually appropriated for the
30 operation and administration of the permit section at the department.

31 99 New Subparagraph; Application of Receipts; Over-length, Over-width, Over-height, and
32 Over-weight Revolving Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (387) the
33 following new subparagraph:

34 (388) Moneys deposited in the over-length, over-width, over-height, and over-weight
35 revolving fund under RSA 266:22.

36 100 Highway Surveillance Prohibited. Amend RSA 236:130, III(f) to read as follows:

1 (f) Is undertaken for the security of the following bridges and approach structures: I-95
2 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth,
3 ***as well as the Little Bay Bridges in Dover and Newington.***

4 101 Local Option; Prime Wetlands. Amend RSA 482-A:15, I-b to read as follows:

5 I-b. ***For the purposes of this chapter, existing state highway rights-of-way, including***
6 ***associated permanent easements, shall not include prime wetlands or their adjacent***
7 ***buffers.***

8 ***I-c.*** The commissioner shall adopt rules under RSA 541-A relative to the form, criteria, and
9 methods that shall be used to designate, map, and document prime wetlands, determine boundaries
10 in the field, and amend maps and designations once filed and accepted by the department under
11 paragraph II.

12 102 Agreements for Telecommunications-Related Uses of the State Highway System and State-
13 Owned Railroad Rights-of-Way. Amend RSA 228:31-a to read as follows:

14 228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and
15 State-Owned Railroad Rights-of-Way. The commissioner may, with the approval of the governor and
16 council, execute contracts, leases, licenses, and other agreements relating to the use or occupation of
17 state-owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation
18 and maintenance of commercial mobile radio service devices. Such agreements, which shall be for
19 commercially reasonable value, shall not extend for a period of more than 10 years. Any leases
20 executed pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to
21 properly assessed real estate taxes and subject to local zoning and planning requirements. Said
22 devices shall take into consideration the scenic beauty of the landscape. There shall be no
23 advertising signs on these devices. The provisions of ***RSA 4:39-c and*** RSA 4:40 shall not apply to
24 this section.

25 103 State Highways; Notice of Finding. Amend RSA 230:55 to read as follows:

26 230:55 Notice of Finding. Whenever the commissioner of transportation shall alter or relocate
27 any portion of any class I or class II highway, and finds that there is no further occasion to use such
28 portion for class I or class II highway purposes for property acquired by the state in 1945 or earlier,
29 the commissioner shall post notice of such finding in 2 public places in the town in which land is
30 situate and give notice in writing to the selectmen of such town. Notwithstanding any provision of
31 law to the contrary, the commissioner may discontinue ***any right-of-way, or portion thereof, that***
32 ***was laid out by the state*** and declare property acquired after 1945 as surplus and dispose of it in
33 accordance with RSA [4:39] ***4:39-c.***

34 104 New Paragraph; New Hampshire Aeronautics Act; Revenue; Fees. Amend RSA 422:31 by
35 inserting after paragraph IX the following new paragraph:

1 X. A credit card use convenience fee may be charged in addition to the required aircraft
2 operating fee for each transaction, which the department is authorized to use towards the credit card
3 fees incurred.

4 105 Turnpike System; Toll Criteria. Amend RSA 237:11, V to read as follows:

5 V. Notwithstanding any other provision of law to the contrary, the discount on the
6 established tolls on any of the New Hampshire turnpikes in the system for vehicles listed on a
7 **funded** New Hampshire E-Z Pass account and using the regional electronic toll collection system
8 with a **working and properly mounted** New Hampshire E-Z Pass transponder shall be 30 percent
9 for passenger vehicles, including motorcycles, and 10 percent for commercial vehicles.

10 106 Statewide Transportation Improvement Program. Amend RSA 228:99 to read as follows:

11 228:99 Statewide Transportation Improvement Program (STIP). The governor shall develop a
12 statewide transportation improvement program as required by 23 U.S.C. sections 134 and 135, as
13 amended. The governor shall revise and update the program every 2 years. Adoption of the STIP
14 and revised STIP shall be as follows:

15 I. Each metropolitan planning organization and rural regional planning commission shall
16 reach agreement with the department of transportation relative to funding unified planning work
17 programs consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-
18 numbered year. Each metropolitan planning organization and rural regional planning commission
19 shall provide a regional transportation improvement program (TIP) **priorities** to the department of
20 transportation no later than April 1 of each odd-numbered year. Such plans shall include [a] public
21 involvement [plan] and education [initiative] to ensure early and adequate input from residents,
22 municipalities and any other interested parties in New Hampshire.

23 II. The commissioner shall submit the tentative STIP in accordance with the state planning
24 process as required in 23 U.S.C. section 135 to the governor's advisory commission on intermodal
25 transportation no later than [~~July~~] **September** 1 of each odd-numbered year.

26 III. The governor's advisory commission on intermodal transportation shall conduct at least
27 one public hearing in each executive council district to present the tentative STIP to the public and
28 to receive the public's comments and recommendations regarding the program. The governor's
29 advisory commission on intermodal transportation shall submit such program along with the
30 commission's recommendations to the governor no later than December 1 of each odd-numbered
31 year. Each metropolitan planning organization and rural regional planning commission should
32 conduct an informational meeting after the commission submits its recommendations to receive the
33 public's final comments and recommendations regarding the proposed programs before adoption by
34 the governor.

35 IV. The governor shall submit the STIP to the general court to be acted on no later than
36 January 15 of each even-numbered year. [~~After an enactment~~] **The STIP shall be enacted** by the
37 general court [~~of the STIP or~~] by June 1 of each even-numbered year[~~, whichever is earlier, each~~

1 ~~metropolitan planning organization and rural regional planning commission should continue its~~
 2 ~~public involvement program by conducting at least one informational meeting concerning the STIP].~~

3 *V. Each metropolitan planning organization and the department of transportation*
 4 *shall continue its public involvement program by conducting public comment periods and*
 5 *public hearings as required by 23 U.S.C. sections 134 and 135, as amended for the regional*
 6 *TIP and statewide STIP.*

7 *VI. Each metropolitan planning organization shall approve the regional TIP and*
 8 *the department of transportation shall incorporate the TIPs into the STIP in whole, and*
 9 *submit the STIP for federal approval as required by 23 U.S.C. sections 134 and 135, as*
 10 *amended.*

11 *VII. Three times per year, the STIP and TIPs shall be amended to make adjustments*
 12 *to projects whose scopes, schedules or budgets need to be adjusted. The department of*
 13 *transportation will prepare and release STIP/TIP amendments to the metropolitan*
 14 *planning organizations and rural regional planning commissions.*

15 *VIII. The metropolitan planning organizations shall have 60 days from the receipt*
 16 *of each amendment to prepare, receive public comments, approve and transmit the*
 17 *updated TIPs to the department of transportation. The department of transportation shall*
 18 *incorporate the TIP amendments into the STIP in whole, and submit the STIP for federal*
 19 *approval as required by 23 U.S.C. sections 134 and 135, as amended.*

20 107 Unclaimed and Abandoned Property; Subsequent Claims. Amend RSA 471-C:31-a to read
 21 as follows:

22 471-C:31-a Subsequent Claims. For periods after January 1, 1985, any owner who comes
 23 forward to make a claim for assets which have escheated to the state **or counties** may petition [~~the~~
 24 ~~governor and council~~] for payment of those assets. Upon [~~providing~~] **receiving** sufficient proof of the
 25 validity of such owner claim [~~and receiving the approval of governor and council~~], the administrator
 26 shall pay such claim to the owner in accordance with the provisions of this chapter. ***In the event***
 27 ***subsequent claims exceed amounts appropriated in the operating budget, the***
 28 ***administrator shall request, with prior approval of the fiscal committee of the general***
 29 ***court, that the governor and council authorize additional funding. For funds requested***
 30 ***and approved, the governor is authorized to draw a warrant from any money in the***
 31 ***treasury not otherwise appropriated.***

32 108 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
 33 shall be suspended for the biennium ending June 30, 2025.

34 109 Electric Utility Restructuring; Implementation. Amend RSA 374-F:4, VIII(f) to read as
 35 follows:

36 (f) The [~~department of environmental services and the~~] department of energy shall
 37 submit a report to the house science, technology, and energy committee, and the senate energy and

1 natural resources committee by October 1 of each year. The report shall concern the results and
2 effectiveness of the system benefits charge.

3 110 Disclosure of Electric Service Energy Sources and Environmental Characteristics. Amend
4 RSA 378:49, II(c) to read as follows:

5 (c) Provide such information to electric customers at least annually in conjunction with
6 billing, whether distributed through the mail or online, or other mailed or online communication to
7 customers, as approved by the ~~[commission]~~ **department**, including the ~~[commission's]~~
8 **department's** estimated cost on a per kilowatt-hour basis for compliance with the electric renewable
9 portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the
10 compliance year shall be calculated once per year and provided in the customer's December bill,
11 whether distributed through the mail or online. Each customer's bill shall identify the cost as an
12 estimate and provide a link to information about the electric renewable portfolio standard, including
13 its benefits, at the ~~[public utilities commission's]~~ **department's** website. The costs for a utility to
14 provide this information shall be recovered from electric customers through the distribution rates of
15 the respective electric distribution utility.

16 111 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to
17 read as follows:

18 I. There is hereby established a renewable energy fund. This nonlapsing special fund shall
19 be continually appropriated to the department of energy to be expended in accordance with this
20 section; provided that at the start of the period in which there is no adopted state operating budget,
21 the department of energy shall in a timely manner seek the approval of the fiscal committee of the
22 general court to continue using moneys from the renewable energy fund to support renewable energy
23 rebate and grant programs in order to ensure there are no interruptions to the programs. The state
24 treasurer shall invest the moneys deposited therein as provided by law. Income received on
25 investments made by the state treasurer shall also be credited to the fund. All payments to be made
26 under this section shall be deposited in the fund. Any remaining moneys paid into the fund under
27 paragraph II of this section, excluding class II moneys, shall be used by the department of energy to
28 support thermal and electrical renewable energy initiatives **and offshore wind initiatives,**
29 **including the office of offshore wind industry development.** Class II moneys shall primarily be
30 used to support solar energy technologies in New Hampshire. All initiatives supported out of these
31 funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys
32 including those from class II may be used to administer this chapter, but all new employee positions
33 shall be approved by the fiscal committee of the general court. No new employees shall be hired by
34 the department of energy due to the inclusion of useful thermal energy in class I production.

35 112 Information Collection. Amend RSA 362-F:8, I to read as follows:

36 I. ~~[By July 1]~~ **No earlier than July 1 and no later than July 15** of each year, each
37 provider of electricity shall submit a report to the department of energy, in a form approved by the

1 department of energy, documenting its compliance with the requirements of this chapter for the
2 prior year. The department of energy may investigate compliance and collect any information
3 necessary to verify and audit the information provided to the department of energy by providers of
4 electricity.

5 113 Phase-In for Existing Supply Contract Load. Amend RSA 362-F:14 to read as follows:

6 362-F:14 Phase-In for Existing Supply Contract Load. The increases in the annual purchase
7 percentages in RSA 362-F:3 as compared to those in effect as of January 1, 2012 shall apply to the
8 electrical load under any electrical power supply contracts for a term of years entered into by
9 providers of electricity prior to or on July 1, 2012, upon the expiration of the term of any such
10 contract. Providers of electricity shall inform the department of energy ~~[by July 1]~~ **no earlier than**
11 **July 1 and no later than July 15** of each year of all such contracts and their terms, including but
12 not limited to the execution date and expiration date of the contract and the annual volume of
13 electrical energy supplied.

14 114 Duties of Commissioner; Department of Energy. Amend RSA 12-P:5, VI to read as follows:

15 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person
16 subject to the jurisdiction of the department of energy and the public utilities commission.
17 **Notwithstanding any other provision of law, if the expenditure of additional funds over**
18 **budget estimates is necessary for the proper functioning of the department of energy, the**
19 **governor and council, with the prior approval of the fiscal committee of the general court,**
20 **upon request from the department of energy, may authorize an additional assessment**
21 **pursuant to RSA 363-A for such purpose.**

22 115 Public Utilities Commission; Office of the Consumer Advocate. Amend RSA 363:28, I(d) to
23 read as follows:

24 (d) ~~[Two]~~ **Three** additional staff people appointed by the consumer advocate. When
25 filling these positions, the consumer advocate should consider appointing rate analysts or
26 economists.

27 116 New Paragraph; Public Utilities Commission; Office of the Consumer Advocate. Amend
28 RSA 363:28 by inserting after paragraph VI the following new paragraph:

29 VII. Notwithstanding any other provision of law, if the expenditure of additional funds over
30 budget estimates is necessary for the proper functioning of the office of the consumer advocate, the
31 governor and council, with the prior approval of the fiscal committee of the general court, upon
32 request from the consumer advocate, may authorize an additional assessment pursuant to RSA 363-
33 A for such purpose.

34 117 Office of the Consumer Advocate; Transfer Authority. The following expenditure classes
35 within the Office of the Consumer Advocates shall be exempt from the transfer restrictions in RSA
36 9:17-a and 9:17-c; and class 10- personal services-perm classified and class 60-benefits. The Office of
37 the Consumer Advocate is authorized to transfer funding attributable to vacant positions from these

1 classes into class 046 consultants and class 233 litigation provided that any such transfers shall be
2 limited to \$75,000 in each fiscal year. The provisions in this paragraph shall remain in effect for the
3 biennium ending June 30, 2025.

4 118 Public Utilities; Assessment. Amend the introductory paragraph of RSA 363-A:2, I to read
5 as follows:

6 I. The expenses thus ascertained shall be assessed against the public utilities and other
7 entities described in this section in the manner provided in this chapter. The assessment shall be
8 calculated by using the following revenue percentages, ***based on the prior calendar year***:

9 119 Public Utilities; Certification of Assessment. Amend RSA 363-A:3 to read as follows:

10 363-A:3 Certification of Assessment. It shall be the duty of the department of energy to
11 calculate the amount to be assessed against each such public utility and each other entity subject to
12 assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year,
13 the department of energy shall estimate the total expenses for the fiscal year, and then, based on
14 such estimate, shall calculate the amount to be assessed quarterly on [~~August 10, October 15,~~
15 ~~January 15~~] ***September 15, November 15, February 15***, and April 15 of that fiscal year [~~, against~~
16 ~~each such public utility and other assessed entity in accordance with RSA 363-A:1 and RSA 363-A:2~~].
17 ***For entities with assessments less than \$10,000, the department may bill those entities the***
18 ***entire amount on September 15 of that fiscal year.*** The department of energy shall then make a
19 list showing the amount [~~due on August 10, October 15, January 15~~] ***assessed September 15,***
20 ***November 15, February 15,*** and April 15 of that fiscal year [~~from~~] ***to*** each of the several public
21 utilities and other entities assessed under the provisions hereof, and, together with a statement of
22 the full name and mailing address of each such public utility and other assessed entity, shall certify
23 the same. After the close of each fiscal year, the department of energy shall ascertain the actual
24 total expenses in accordance with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the
25 assessment for the first [~~quarterly~~] ***or only*** payment of the new fiscal year for each such public
26 utility or other assessed entity for any underpayment or overpayment by each such public utility or
27 other assessed entity for the prior fiscal year.

28 120 Expenses of Public Utilities Commission; Collections. Amend RSA 363-A:4 to read as
29 follows:

30 363-A:4 Collection. Upon the completion of each such list, [~~on or before August 10, October 10,~~
31 ~~January 10, and April 10~~] ***within 10 business days of September 15, November 15, February 15,***
32 ***and April 15*** of each fiscal year, the department of energy shall bill each public utility and each
33 other entity subject to assessment [~~for the quarterly amount assessed against it within 10 working~~
34 ~~days~~]. Such bill shall be sent [~~registered~~] ***first-class or electronic*** mail, and shall constitute notice
35 of assessment and demand for payment. Payment shall be made to the department of energy [~~within~~
36 ~~30 days after the receipt of the bill. After the expiration of 30 days from the receipt of an original~~
37 ~~bill,~~] ***by the due date stated on the bill, which shall be set no sooner than 30 days after the***

1 ***date the bill is sent. If payment is not made by the due date***, the department of energy may
2 add to the assessment a late penalty fee and may commence an action at law for the recovery of the
3 assessment. Within 30 days of the ***date that the bill*** assessment for the first [~~quarterly~~] ***or only***
4 ***payment is sent***, each public utility or other assessed entity which has any objection to the amount
5 assessed against it for the prior fiscal year shall file with the department its objection in writing,
6 setting out in detail the grounds upon which it is claimed that said assessment is excessive,
7 erroneous, unlawful, or invalid. If such objections are filed, the department, after reasonable notice
8 to the objecting public utility or other assessed entity, shall hold a hearing on such objections, and if
9 the department finds that said assessment or any part thereof is excessive, erroneous, unlawful, or
10 invalid, the department shall reassess the amount to be paid by such public utility or other assessed
11 entity, and shall order that an amended bill be sent to such public utility or other assessed entity in
12 accordance with such reassessment. The department of energy shall not commence an action at law
13 for recovery of any assessment for the first [~~quarterly~~] ***or only*** payment until any such objection has
14 been resolved.

15 121 Expenses of Public Utilities Commission; Exemption from Assessment. Amend RSA 363-
16 A:5 to read as follows:

17 363-A:5 Exemption From Assessment. Any public utility or other assessed entity that is not an
18 entity to which RSA 363-A:2, I(c) or (d) applies, and that earned less than \$10,000 in gross revenue
19 during the preceding [~~fiscal~~] ***calendar*** year shall not be liable for any assessment pursuant to this
20 chapter.

21 122 Appropriation; Department of Energy; Establishment of the Regional Energy Advocacy
22 Fund. There is hereby appropriated to the department of energy the sum of \$250,000 for the fiscal
23 year ending June 30, 2023 to be placed in a regional energy advocacy fund. This fund shall be
24 nonlapsing and continually appropriated to the department to be expended to hire consultants and
25 attorneys and related expenses to support the regional advocacy issues specified in RSA 374-F:8.
26 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
27 otherwise appropriated.

28 123 Effective Date. Section 122 of this act shall take effect June 30, 2023.

29 124 Department of Energy; Commissioner; Deputy Commissioner; Directors; General Counsel.
30 Amend RSA 12-P:4 to read as follows:

31 12-P:4 Commissioner; Deputy Commissioner; Directors; ***General Counsel***.

32 I. The commissioner of the department of energy shall be appointed by the governor, with
33 the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified
34 to hold that position by reason of education and experience. Directors of departmental divisions ***and***
35 ***the general counsel*** shall be subject to the supervisory authority of the commissioner, which
36 authority shall include power to establish department and divisional policy as well as to control the
37 actual operations of the department and all divisions therein. The commissioner is authorized to

1 establish any advisory committees and programs which the commissioner may deem necessary to
2 carry out the mission and operations of the department.

3 II. The commissioner of energy shall nominate a deputy commissioner of energy for
4 appointment by the governor and council. The deputy commissioner shall hold office for 4 years and
5 until a successor has been appointed and qualified. The deputy commissioner shall be qualified to
6 hold that position by reason of education and experience. The deputy commissioner shall perform
7 such duties as the commissioner may assign. The deputy commissioner shall perform the duties of
8 the commissioner if for any reason the commissioner is unable to do so.

9 III. Division directors shall be appointed to initial terms as stated below, and then
10 subsequently to terms of 4 years. Terms notwithstanding, each division director shall serve until a
11 successor has been appointed and qualified.

12 ***III-a. The commissioner shall appoint a general counsel, who shall serve at the***
13 ***pleasure of the commissioner. The general counsel shall perform such duties and exercise***
14 ***such powers as the commission may authorize.***

15 (a) The commissioner shall nominate for appointment by the governor and council a
16 director of the division of policy and programs for an initial term of one year. All subsequent terms
17 shall be 4 years. The director of the division of policy and programs shall be qualified to hold that
18 position by reason of education and experience.

19 (b) The commissioner shall nominate for appointment by the governor and council a
20 director of the division of administration for an initial term of 2 years. All subsequent terms shall be
21 4 years. The director of the division of administration shall be qualified to hold that position by
22 reason of education and experience.

23 (c) The commissioner shall nominate for appointment by the governor and council a
24 director of the division of enforcement for an initial term of 3 years. All subsequent terms shall be 4
25 years. The director of the division of enforcement shall be qualified to hold that position by reason of
26 education and experience.

27 (d) The commissioner shall nominate for appointment by the governor and council a
28 director of the division of regulatory support for an initial term of 3 years. All subsequent terms
29 shall be 4 years. The director of the division of regulatory support shall be qualified to hold that
30 position by reason of education and experience.

31 IV. The salaries of the commissioner, the deputy commissioner, and each division director
32 shall be as specified in RSA 94:1-a.

33 125 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15 to
34 read as follows:

35 260:15 Copies of Certificates and Motor Vehicle Records.

36 I. The department may issue a certified copy of any certificate of registration, or of any
37 license to drive motor vehicles which may have been lost or mutilated, upon the written request of

1 the person entitled thereto and the payment of the prescribed fee, and such certified copy shall have
2 the same force and effect as the original.

3 II. The department may issue a copy of any motor vehicle record upon the request of an
4 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require
5 payment by the insurance company or authorized agent of a fee [~~of \$13 for email or other computer-~~
6 ~~generated requests where payment is debited against an account established with the department,~~
7 ~~or \$15]~~ for all [other] requests, which shall be deposited in the fire standards and training and
8 emergency medical services fund established in RSA 21-P:12-d.

9 ***III. The commissioner of the department of safety shall adopt rules pursuant to***
10 ***RSA 541-A to establish fees and to implement this section.***

11 126 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.
12 Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

13 VIII. Notwithstanding any law to the contrary, the department may provide driver history
14 records to a federal entity for uses authorized in RSA 260:14, IV, RSA 260:14, IV-a, and RSA 260:14,
15 V.

16 127 Department of Safety; Appropriation; Position Created. There is hereby established in the
17 department of safety, division of fire safety, one full-time classified program assistant II position.
18 The sum of \$72,000 for the fiscal year ending June 30, 2024 and \$74,000 for the fiscal year ending
19 June 30, 2025 is hereby appropriated to the division of fire safety. The governor is authorized to
20 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

21 128 Department of Safety; Unfunded Positions; Authorization. Notwithstanding any other
22 provision of law to the contrary, the department of safety may fill unfunded positions during the
23 biennium ending June 30, 2025, provided that the total expenditure for such positions shall not
24 exceed the amount appropriated for personal services.

25 129 Department of Safety; Transfer Funds and Establish Positions; Authorization.
26 Notwithstanding any other provision of law to the contrary, the department of safety may create
27 full-time temporary positions for any positions on military deployment and transfer funds from class
28 010 into class 059 with approval from the department of administrative services.

29 130 Department of Safety; Substance Abuse Enforcement Program; Appropriations.

30 I. The sum of \$408,297 for the fiscal year ending June 30, 2024 is hereby appropriated to the
31 department of safety. This sum shall be expended as follows:

32 (a) \$119,217 shall be expended for the purpose of funding overtime at the state forensic
33 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
34 investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the
35 biennium ending June 30, 2025.

1 (b) \$289,080 shall be expended for the purpose of funding overtime at the state police for
2 narcotics related enforcement and investigations, with no more than 50 percent of the appropriation
3 expended in each fiscal year of the biennium ending June 30, 2025.

4 II. The sum of \$833,684 for the fiscal year ending June 30, 2024 and \$833,684 for the fiscal
5 year ending June 30, 2025 is hereby appropriated to the department of safety to disburse grants to
6 county and local law enforcement agencies for the purpose of funding overtime costs for county and
7 local law enforcement officers performing law enforcement activities attributable to the substance
8 abuse enforcement program established in RSA 21-P:66.

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

11 IV. No appropriation made in this section shall lapse until June 30, 2025.

12 131 Public Safety and Welfare; Definitions; Emergency Medical Care Provider. Amend RSA
13 153-A:2, V to read as follows:

14 V. "Emergency medical care provider" means an employee or volunteer member of a public
15 or private organization having responsibility for the delivery of health services to individuals
16 experiencing illness or injury at a location other than a hospital or other medical facility. The term
17 shall not include lifeguards at swimming facilities or members of ski patrols, or New Hampshire fish
18 and game department conservation officers, **or those individuals administering Naloxone**
19 unless said individuals are performing invasive patient care procedures.

20 132 Public Safety and Welfare; Licensure of Emergency Medical Care Providers. Amend RSA
21 153-A:11, I to read as follows:

22 I. Except for automated external defibrillation pursuant to RSA 153-A:28-31, **or the**
23 **administration of Naloxone**, a person shall not provide emergency medical services as a paid or
24 volunteer member of a public or private emergency medical services unit in this state, or as a paid or
25 volunteer member of any police or fire department who, as a condition of employment, may be
26 expected to routinely provide emergency medical services in the line of duty, without being licensed
27 by the commissioner.

28 133 Public Safety and Welfare; Critical Incident Intervention and Management. Amend RSA
29 153-A:17-a, to read as follows:

30 153-A:17-a Critical Incident Intervention and Management.

31 I. In this section:

32 (a) "Critical incident" means an event or events that result in acute or cumulative
33 psychological stress or trauma to an emergency service provider as a result of response to the
34 incident.

35 (b) "Critical incident stress" means an unusually strong emotional, cognitive, or physical
36 reaction that has the potential to interfere with normal functioning and that results from the
37 response to a critical incident or long-term occupational exposure to a series of critical incident

1 responses over a period of time that are believed to be causing debilitating stress that is affecting an
2 emergency service provider and his or her work performance or family situation. This may include,
3 but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of
4 interest in the job, personality changes, or loss of ability to function.

5 (c) "Critical incident stress management" means a process of crisis intervention designed
6 to assist emergency service providers in coping with the psychological trauma resulting from
7 response to a critical incident.

8 (d) "Critical incident stress management and crisis intervention services" means
9 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and
10 referral provided by a critical incident stress management team member.

11 (e) "Critical incident stress management team" or "team" means the group of one or
12 more trained volunteers, including members of peer support groups organized by a unit of state,
13 local, or county government, **or employee organization** who offer critical incident stress
14 management, ~~and~~ crisis intervention, **or peer support** services following a critical incident or long
15 term or continued, debilitating stress being experienced by emergency services providers and
16 affecting them or their family situation.

17 (f)(1) "Critical incident stress management team member" or "team member" means an
18 emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state
19 police officer, civilian law enforcement employee, firefighter, civilian fire department employee,
20 emergency medical personnel, telecommunicators, and local dispatchers specially trained to provide
21 critical incident stress management and crisis intervention **or peer support** services as a member of
22 an organized and registered team.

23 (2) In this subparagraph:

24 (A) "Telecommunicator" means an employee of the department of safety, division
25 of emergency services and communications who is responsible for receiving at the public safety
26 answering point telephone calls made to E911 and transferring or relaying such calls to public or
27 private safety agencies.

28 (B) "Local dispatcher" means a person who determines the location, status, and
29 assistance required by callers and walk-in customers for public safety services and dispatches the
30 appropriate police, fire, ambulance, or other units to provide needed emergency services at the state,
31 city, town, or private emergency services level.

32 (g) **"Peer support group" means the group of one or more trained volunteers,**
33 **organized by a unit of state, local, county government or employee organization that can**
34 **recognize common behavioral health issues, provide support services, and serve as a bridge**
35 **to community resources or behavioral health treatment when indicated.**

36 II.(a) Team members shall undergo and sustain certification standards set forth in
37 guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by

1 the commissioner of the department of safety, or a similar organization for which the commissioner
2 shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar
3 organization, and maintain training standards to date as required.

4 (b) All critical incident stress management team members **or peer support group**
5 **members**, sworn or civilian, shall be designated by the police chief, sheriff, director of the division of
6 state police, fire chief, or director of the division of emergency services and communications, **or head**
7 **of an employee organization**.

8 III.(a) Any information divulged to the team, ~~[or]~~ a team member, **or peer support group**
9 **member**, during the provision of critical incident stress management, ~~[and]~~ crisis intervention
10 services, **or peer support services** shall be kept confidential and shall not be disclosed to a third
11 party or in a criminal, civil, or administrative proceeding. Records kept by critical incident stress
12 management team members **or peer support group** are not subject to subpoena, discovery, or
13 introduction into evidence in a criminal, civil, or administrative action. Except as provided in
14 subparagraph (c), no person, whether critical incident stress management team member, ~~[or]~~ team
15 leader, **or peer support group member** providing or receiving critical incident stress management,
16 ~~[and]~~ crisis intervention, **or peer support** services, shall be required to testify or divulge any
17 information obtained solely through such crisis intervention.

18 (b) The purpose of this section is to provide a consistent framework for the operation of
19 critical incident stress management teams, ~~[and]~~ **peer support groups and** their members. In any
20 civil action against any individual, agency, or government entity, including the state of New
21 Hampshire, arising out of the conduct of a member of such team, this section is not intended and
22 shall not be admissible to establish negligence in any instance where requirements herein are higher
23 than the standard of care that would otherwise have been applicable in such action under state law.

24 (c) A communication shall not be deemed confidential pursuant to this section if:

25 (1) The communication indicates the existence of a danger to the individual who
26 receives critical incident stress management and crisis intervention services or to any other person
27 or persons.

28 (2) The communication indicates the existence of past child abuse or neglect of the
29 individual, abuse of an adult as defined by law, or family violence as defined by law.

30 (3) The communication indicates the existence of past or present acts constituting an
31 intentional tort or crime, provided the applicable statute of limitation has not expired on the act
32 indicated.

33 134 Department of Safety; Appropriation; State and Local Cybersecurity Grant Program. The
34 sum of \$1,255,500 for the fiscal year ending June 30, 2024 and the sum of \$1,614,215 for the fiscal
35 year ending June 30, 2025 are hereby appropriated to the commissioner of the department of safety
36 for the state and local cybersecurity grant program. Such funds shall be nonlapsing and continually

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

3 135 Department of Safety; Appropriation. There is hereby appropriated to the department of
4 safety the sum of \$3,510,000 for the fiscal year ending June 30, 2023 for the purpose of purchasing
5 52 state police cruisers. This appropriation shall not lapse until June 30, 2025, provided that any
6 unexpended amount following the purchases shall lapse to the general fund. The governor is
7 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
8 appropriated.

9 136 Effective Date. Section 135 of this act shall take effect June 30, 2023.

10 137 Education Trust Fund Appropriations Reductions; Education Freedom Accounts. The
11 education trust fund appropriations to the department of education, in account 06-56-56-560040-
12 3043, class line 652, for education freedom accounts, shall be reduced by \$10,000,000 for the fiscal
13 year ending June 30, 2024, and by \$10,000,000 for the fiscal year ending June 30, 2025. The
14 department shall report to the fiscal committees of the general court on such reductions.

15 138 Education Trust Fund. The introductory paragraph of RSA 198:39, I is repealed and
16 reenacted to read as follows:

17 I. The state treasurer shall establish an education trust fund in the treasury. Moneys in
18 such fund shall not be used for any purpose other than:

19 (a) To distribute adequate education grants to municipalities' school districts pursuant
20 to RSA 198:42.

21 (b) To distribute grants to municipalities' school districts and to approved chartered
22 public schools pursuant to RSA 194-B:11.

23 (c) To distribute kindergarten grants to municipalities' and school districts pursuant to
24 RSA 198:48-c.

25 (d) To provide low and moderate income homeowners property tax relief under RSA
26 198:56-198:61.

27 (e) To distribute funds to scholarship organizations approved under RSA 77-G, that
28 administer and implement RSA 194-F.

29 (f) To distribute phase-out grants to school districts under RSA 194-F:10.

30 (g) To fund costs necessary to provide the statewide assessment program required under
31 RSA 193-C.

32 (h) To fund department of education operating costs for a state student data collection
33 and reporting system, within budgeted appropriations.

34 (i) To fund department of education costs for administering programs funded by the
35 education trust fund, within budgeted appropriations, plus any additional funding authorized
36 pursuant to paragraph III.

37 II. The state treasurer shall deposit into the education trust fund immediately upon receipt:

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

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

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

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

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

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

13 (g) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes
14 and the lottery.

15 (h) Tobacco settlement funds in the amount of \$40,000,000 or, for any year in which the
16 total tobacco settlement funds received by the state is less than \$40,000,000, the total amount of
17 tobacco settlement funds received by the state.

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

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

22 (k) Any other moneys appropriated from the general fund.

23 III. If required expenditures to administer programs funded by the education trust fund,
24 pursuant to paragraph I, exceed amounts appropriated, the commissioner of education may request
25 the fiscal committee of the general court authorize additional funding. Amounts requested under
26 this paragraph shall be a charge to the education trust fund. For funds requested and approved, the
27 governor is authorized to draw a warrant from any money in the treasury not otherwise
28 appropriated.

29 IV. The education trust fund shall be nonlapsing. The state treasurer shall invest that part
30 of the fund which is not needed for immediate distribution in short-term interest-bearing
31 investments. The income from these investments shall be returned to the fund.

32 139 New Paragraph; Education of Children Placed in Homes for Children, Health Care
33 Facilities, or State Institutions; Episode of Treatment. Amend RSA 193:27 by inserting after
34 paragraph VI the following new paragraph:

35 VII. "Episode of treatment" means when a child needs to be placed by the department of
36 health and human services (DHHS) in a DHHS-contracted and/or certified program to receive more

1 intensive treatment and supports and has the objective of helping children in crisis avoid or reduce
2 the use of psychiatric hospitals or emergency rooms.

3 140 Court Ordered Placements; Purpose and Application of Chapter. Amend RSA 169-F:1 to
4 read as follows:

5 169-F:1 Purpose and Application of Chapter. This chapter shall apply to any court ordered
6 placement *or placement for an episode of treatment as defined in RSA 193:27, VII*, of any
7 minor pursuant to RSA 169-B or any child pursuant to RSA 169-C or RSA 169-D, for the purposes of
8 the effective implementation of any such placement.

9 141 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

10 III.(a) The state board of education through the commissioner, department of education,
11 shall distribute aid available under this paragraph as entitlement to such school districts as have a
12 special education pupil for whose costs they are responsible, for whom the costs of special education
13 in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school
14 year preceding the year of distribution. If in any year, the amount appropriated for distribution as
15 special education aid in accordance with this section is insufficient therefor, the appropriation shall
16 be prorated proportionally based on entitlement among the districts entitled to a grant. If there are
17 unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall
18 be distributed for court-ordered placements *and episodes of treatment* under RSA 186-C:19-b.
19 The state may designate up to \$250,000 of the funds which are appropriated as required by this
20 paragraph, for each fiscal year, to assist those school districts which, under guidelines established by
21 rules of the state board of education, may qualify for emergency assistance to mitigate the impact of
22 special education costs. The state may designate up to an additional \$250,000 of the funds which are
23 appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents
24 to mitigate the impact of special education costs when emergency assistance is necessary to prevent
25 significant financial harm to such district or community. Upon application to the commissioner of
26 education, and approval by the commissioner, such funds may be accepted and expended by school
27 districts in accordance with this chapter; provided, however, that if a school district has received
28 emergency assistance funds for certain children with disabilities, it shall not receive special
29 education aid for those same children with disabilities. If any of the funds designated for emergency
30 assistance under this paragraph are not used for such emergency assistance purposes, the funds
31 shall be used to assist school districts in meeting special education cost increases in their special
32 education programs as provided by this paragraph.

33 142 New Paragraph; Special Education; State Aid; Rulemaking by State Board of Education.
34 Amend RSA 186-C:18,V by inserting after subparagraph (f) the following new subparagraph:

35 (g) Administering and distributing payment for episode of treatment costs as defined in
36 RSA 193:27, VII.

1 143 Liability for Children with Disabilities in Certain Court Ordered Placements. Amend RSA
2 186-C:19-b to read as follows:

3 186-C:19-b Liability for Children With Disabilities in Certain Court Ordered Placements.

4 I.(a) As used in this section "children in placement for which the department of health and
5 human services has financial responsibility" means all children receiving special education or special
6 education and related services whose placements were made pursuant to RSA 169-B, 169-C, or 169-
7 D, except children at the youth development center and children placed at the youth services center
8 maintained by the department of health and human services while awaiting disposition of the court
9 following arraignment pursuant to RSA 169-B:13.

10 (b) In the case of an out-of-district placement *or placement for an episode of*
11 *treatment*, the appropriate court shall notify the department of education on the date that the court
12 order is signed, *or the need for an episode of treatment is determined*, stating the initial length
13 of time for which such placement is made. This subparagraph shall apply to the original order *or*
14 *determination* and all subsequent modifications of that order *or determination*.

15 II. The school district liability for expenses for special education or for special education and
16 related services for a child with a disability in placement for which the department of health and
17 human services has financial responsibility shall be limited to 3 times the estimated state average
18 expenditure per pupil, for the school year preceding the year of distribution. The liability of a school
19 district under this section shall be prorated if the placement is for less than a full school year and
20 the district shall be liable for only the prorated amount. This section shall not limit a school
21 district's financial liability for children who receive special education or special education and
22 related services in a public school or program identified in RSA 186-C:10.

23 (a) Any costs of special education or special education and related services in excess of 3
24 times the estimated state average expenditure per pupil for the school year preceding the year of
25 distribution shall be the liability of the department of education. Costs for which the department of
26 education is liable under this section shall be paid to education service providers by the department
27 of education. The department of education shall develop a mechanism for allocating the funds
28 appropriated for the purposes of this section. *Any costs of special education or special*
29 *education and related services related to an episode of treatment and the determination of*
30 *placement by the department of health and human services shall be covered in full for*
31 *students with disabilities by the department of education.*

32 (b) The department of health and human services shall be liable for all court-ordered
33 *and episode of treatment* costs pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 other than for
34 special education or special education and related services.

35 (c) The department of education shall distribute special education payments under
36 subparagraph II(a) within 60 days of receipt of invoice from the school district. School districts shall
37 submit education service providers costs to the department within 30 days of receipt of such costs.

1 The department shall then verify the cost and distribute the appropriate amounts to the education
2 service provider.

3 III. The department of education shall by rules adopted under RSA 541-A establish the rates
4 charged by education service providers to the department of education or to school districts for
5 children with disabilities in placement for which the department of health and human services has
6 financial responsibility.

7 IV. The department of education is authorized to receive and take appropriate action on
8 complaints regarding the failure to provide necessary special education or special education and
9 related services to children with disabilities in placement for which the department of health and
10 human services has financial responsibility.

11 V. ~~[All appropriations made for the purposes of funding court ordered placements shall be~~
12 ~~nonlapsing.]~~ ***If the total amount required for court ordered placements or placements for an***
13 ***episode of treatment exceeds the amount appropriated to the department for such***
14 ***payments, the governor is authorized to draw a warrant from the general fund for such***
15 ***sum to satisfy the state's obligation under this section.***

16 144 Education; Funding for Renovation and Expansion; CTE. Amend RSA 188-E:10 to read as
17 follows:

18 188-E:10 Funding for Renovation and Expansion.

19 I. The department of education is responsible for maintaining a statewide system of regional
20 career and technical education centers to provide and allow for a variety of career and technical
21 education programs funded within state budget appropriations. The treasurer of the state of New
22 Hampshire is hereby authorized to make funds available to the department of education for the
23 construction, renovation, expansion, or replacement of qualified regional career and technical
24 education centers or regional career and technical education programs authorized in the ~~[capital]~~
25 budget, provided that:

26 (a) The commissioner of the department of education shall ensure that all requests
27 submitted are both educationally and financially appropriate within the state ~~[capital project]~~
28 authorization process;

29 (b) The commissioner of the department of education submits on a biennial basis in a
30 ~~[capital]~~ budget request a priority list of facilities and programs eligible for construction, renovation,
31 expansion, or replacement provided that priority shall be given to programs that have been certified
32 by an approved standard or that need additional funds to become certified by an approved standard;

33 (c) Each request for funding follows the ~~[capital]~~ budget procedure ~~[pursuant to RSA 9:3-~~
34 ~~a]~~, provided that no qualified project funded in a state capital budget as required in this section shall
35 have additional funds for the same project included in a subsequent proposal for ~~[capital]~~
36 appropriation ~~[under RSA 9:3-a]~~ unless directed by the priority list of the department of education;

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1 (d) Each school district requesting funds from the department of education establishes
2 and funds a construction, renovation, expansion, and replacement reserve fund, which shall be used
3 by the school district to pay construction, renovation, expansion, and replacement costs not funded
4 by the state, and which may include funding for the replacement of equipment; and

5 (e) The state shall fund not less than 50 percent nor more than 75 percent of the cost of a
6 qualified project approved pursuant to this section.

7 (f) In this section, "qualified" means the project:

8 (1) Demonstrates need connected to the labor market.

9 (2) Demonstrates adequate numbers of students through enrollment figures based
10 on 3-year averages.

11 (3) Demonstrates alignment with program competencies and academic competencies
12 required by the department of education.

13 (4) Allows for matriculation into a postsecondary venue.

14 (5) Meets all industry and building standards.

15 (6) Meets the procedural requirements for requests under this section and any other
16 requirements in rules of the department of education.

17 (7) Is a regional career and technical education center within a public school, or a
18 public academy as defined in RSA 194:23, II, in the state of New Hampshire.

19 (8) Has the capacity to provide academic courses for students from the sending
20 districts who are approved for full-time attendance at the center.

21 II. The renovation and expansion reserve funding required by subparagraph I(d) may be
22 funded through local community funds, career and technical education tuition payments, gifts,
23 contributions, and bequests of unrestricted funds from individuals, foundations, corporations,
24 organizations, or institutions. School districts shall consider priority funding for programs certified
25 or needing additional funds to become certified as set forth in subparagraph I(b).

26 III. Public academies receiving funds through the [~~capital~~] budget process shall comply with
27 all contracts or agreements required by department of education rules adopted pursuant to RSA 541-
28 A.

29 145 Department of Education; Appropriation; CTE Renovation Projects. The department of
30 education is appropriated \$12,514,533 from the general fund for career and technical education
31 renovation projects for the fiscal year ending June 30, 2024. Such funding shall be nonlapsing. The
32 governor is authorized to draw a warrant for said sum out of any money in the treasury not
33 otherwise appropriated. Any unexpended funds after the completion of the project shall be returned
34 to the general fund. Such funds shall be expended to renovate the Sugar River Valley Regional
35 Technical Center in Newport.

36 146 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to read as follows:

37 198:40-a Cost of an Opportunity for an Adequate Education.

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1 I. For the biennium beginning July 1, [2015] **2023**, the annual cost of providing the
2 opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in
3 paragraph II. The department shall adjust the rates specified in this paragraph in accordance with
4 RSA 198:40-d.

5 II.(a) A cost of [~~\$3,561.27~~] **\$4,000** per pupil in the ADMR, plus differentiated aid as follows:

6 (b) An additional [~~\$1,780.63~~] **\$2,100** for each pupil in the ADMR who is eligible for a free
7 or reduced price meal anytime during the determination year; plus

8 (c) An additional [~~\$697.77~~] **\$1,000** for each pupil in the ADMR who is an English
9 language learner anytime during the determination year; plus

10 (d) An additional [~~\$1,915.86~~] **\$2,100** for each pupil in the ADMR who is receiving special
11 education services anytime during the determination year[; plus

12 ~~(e) An additional \$697.77 for each third grade pupil in the ADMR with a score below the~~
13 ~~proficient level on the reading component of the state assessment administered pursuant to RSA~~
14 ~~193 C:6 or the authorized, locally administered assessment as provided in RSA 193 C:3, IV(i),~~
15 ~~provided the pupil is not eligible to receive differentiated aid pursuant to subparagraphs (b)-(d). A~~
16 ~~school district receiving aid under this subparagraph shall annually provide to the department of~~
17 ~~education documentation demonstrating that the district has implemented an instructional program~~
18 ~~to improve non-proficient pupil reading].~~

19 III. The sum total calculated under paragraph II shall be the cost of an adequate education.
20 The department shall determine the cost of an adequate education for each municipality based on
21 the ADMR of pupils who reside in that municipality.

22 147 Annual Adjustment; Relief Funding. RSA 198:40-d and RSA 198:40-e are repealed and
23 reenacted to read as follows:

24 198:40-d Annual Adjustment. Beginning July 1, 2024 and every year thereafter, the
25 department of education shall adjust the following with an increase of 2 percent annually:

26 I. Per pupil costs in RSA 198:40-a, II;

27 II. Relief funding “factor” and “max grant” as defined in RSA 198:40-e, II, (a)-(b);

28 III. Extraordinary need grant “grant floor”, “grant ceiling”, “factor”, and “max grant” as
29 defined in RSA 198:40-f, II, (a)-(d);

30 IV. Fiscal capacity disparity aid “grant floor”, “grant ceiling”, “factor”, and “max grant” as
31 defined in RSA 198:40-g, II, (a)-(d); and

32 V. Chartered public school additional grants under RSA 194-B:11, I(b)(1)(A) and (B).

33 198:40-e Relief Funding.

34 I. In addition to the cost of an opportunity for an adequate education provided under RSA
35 198:40-a, each year the commissioner shall calculate relief funding for schools and provide that
36 amount of aid to a municipality’s school districts as follows:

1 (a) In a school district in which 48 percent or more of the ADMR is eligible to receive a
2 free or reduced-priced meal, an additional \$400 for each pupil in the ADMR who is eligible for a free
3 or reduced-priced meal.

4 (b) In a school district in which at least 12 percent but less than 48 percent of the ADMR
5 is eligible to receive a free or reduced-priced meal, an amount equal to \$0.1111 for each 0.01 percent
6 that its free or reduced-priced meal eligibility rate exceeds 12 percent, for each pupil in the ADMR
7 who is eligible for a free or reduced-priced meal.

8 (c) A school district in which less than 12 percent of the ADMR is eligible to receive a
9 free or reduced-priced meal shall receive no additional aid under this section.

10 II. In this section:

11 (a) The \$0.1111 for each 0.01 percent that its free or reduced-priced meal eligibility rate
12 exceeds 12 percent, for each pupil in the ADMR who is eligible for a free or reduced-priced meal,
13 referenced in RSA 198:40-e, I(b), shall be called the “factor.”

14 (b) The \$400 for each pupil in the ADMR who is eligible for a free or reduced-priced meal
15 referenced in RSA 198:40-e, I(a), shall be called the “max grant.”

16 III. Relief funding shall be distributed pursuant to RSA 198:42.

17 148 Extraordinary Need Grants. Amend RSA 198:40-f to read as follows:

18 198:40-f Extraordinary Need Grants.

19 I. In addition to aid for the cost of the opportunity for an adequate education provided under
20 RSA 198:40-a, each year the commissioner shall calculate an extraordinary need grant for schools
21 and provide that amount of aid to a municipality's school districts as follows:

22 (a) A municipality with an equalized valuation per pupil eligible to receive a free or
23 reduced-priced meal of \$1,000,000 or less shall receive [~~\$650~~] **\$3,000** per pupil eligible to receive a
24 free or reduced-price meal in the municipality's ADMR.

25 (b) A municipality with an equalized valuation per pupil eligible to receive a free or
26 reduced-price meal between \$1,000,001 and \$5,999,999 shall receive a grant equal to [~~\$0.00013~~]
27 **\$0.00060** for each dollar of difference between its equalized valuation per pupil eligible to receive a
28 free or reduced-price meal and \$6,000,000, per pupil eligible to receive a free or reduced-price meal
29 in the municipality's ADMR.

30 (c) A municipality with an equalized valuation per pupil eligible to receive a free or
31 reduced-price meal of \$6,000,000 or more shall not receive an extraordinary need grant.

32 [~~II. In order to receive an extraordinary need grant, the eligible school district shall provide~~
33 ~~a plan to the department of education outlining how the district intends to use grant award funds to~~
34 ~~improve the educational achievement and growth of students. The extraordinary need grant plan~~
35 ~~shall include an accountability component designed to generate data that measures student~~
36 ~~academic achievement and growth of knowledge and skills in reading and language arts and/or~~
37 ~~mathematics at what grade levels funds will be used. The school district shall develop and~~

1 ~~administer its own grant accountability assessment that identifies a pupil's range of learning and~~
2 ~~yields objective data to use in improving instruction and learning, or use the statewide assessment.~~
3 ~~The school district shall submit to the department an annual grant accountability progress report~~
4 ~~that includes evidence of satisfactory program implementation and progress toward grant~~
5 ~~accountability improvement targets. The primary goal of this grant is to improve student~~
6 ~~achievement and growth and to help the school district to have funding for successful, best practice~~
7 ~~student learning approaches.]~~

8 **II. In this section:**

9 **(a) The \$1,000,000 in equalized valuation per free or reduced-price meal pupil**
10 **referenced in RSA 198:40-f, I(a) shall be called the "grant floor."**

11 **(b) The \$6,000,000 in equalized valuation per free or reduced-price meal pupil**
12 **referenced in RSA 198:40-f, I(b) and RSA 198:40-f, I(c) shall be called the "grant ceiling."**

13 **(c) The \$0.00060 for each dollar difference between equalized valuation per**
14 **pupil eligible to receive a free or reduced-price meal referenced in RSA 198:40-f, I(b) shall**
15 **be called the "factor."**

16 **(d) The \$3,000 per pupil eligible to receive a free or reduced-price meal**
17 **referenced in RSA 198:40-f, I(a) shall be called the "max grant."**

18 III. Extraordinary need grants shall be distributed pursuant to RSA 198:42.

19 IV. In this section, "equalized valuation per pupil eligible to receive a free or reduced-price
20 meal" means a municipality's equalized valuation [~~excluding properties subject to taxation under~~
21 ~~RSA 82 and equalized payments in lieu of taxes,~~] as determined by the department of revenue
22 administration, that was the basis for the local tax assessment in the determination year, divided by
23 the school district's kindergarten through grade 12 ADMR in the determination year eligible to
24 receive a free or reduced-price meal.

25 149 New Section; Fiscal Capacity Disparity Aid. Amend RSA 198 by inserting after section 40-f
26 the following new section:

27 198:40-g Fiscal Capacity Disparity Aid.

28 I. In addition to aid for the cost of the opportunity for an adequate education provided under
29 RSA 198:40-a, each year the commissioner shall calculate fiscal capacity disparity aid for schools and
30 provide that amount of aid to a municipality's school districts as follows:

31 (a) A municipality with an equalized valuation per ADMR of \$600,000 or less shall
32 receive \$1,000 per pupil in the municipality's ADMR.

33 (b) A municipality with an equalized valuation per ADMR greater than \$600,000 but
34 less than \$1,600,000 shall receive 0.0010 cents for each dollar of difference between its equalized
35 valuation per ADMR and \$1,600,000, per pupil in the municipality's ADMR.

36 (c) A municipality with an equalized valuation per ADMR of \$1,600,000 or more shall
37 receive no fiscal capacity disparity aid.

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1 II. In this section:

2 (a) The \$600,000 in equalized valuation per ADMR referenced in RSA 198:40-g, I(a),
3 shall be called the “grant floor.”

4 (b) The \$1,600,000 in equalized valuation per ADMR referenced in RSA 198:40-g, I(b)-
5 (c), shall be called the “grant ceiling.”

6 (c) The 0.0010 cents for each dollar difference between equalized valuation per ADMR in
7 RSA 198:40-g, I(b) shall be called the “factor.”

8 (d) The \$1,000 per pupil referenced in RSA 198:40-g, I(a) shall be called the “max grant.”

9 III. Fiscal capacity disparity aid shall be distributed pursuant to RSA 198:42.

10 IV. In this section, "equalized valuation" means a municipality's equalized valuation, as
11 determined by the department of revenue administration, that was the basis for the local tax
12 assessment in the determination year.

13 150 Determination of Education Grants. Amend RSA 198:41 to read as follows:

14 198:41 Determination of Education Grants.

15 I. Except for municipalities where all school districts therein provide education to all of their
16 pupils by paying tuition to other institutions, the department of education shall determine the total
17 education grant for the municipality as follows:

18 (a) Add the per pupil cost of providing the opportunity for an adequate education for
19 which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

20 (b) Subtract the amount of the education tax warrant to be issued by the commissioner
21 of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year;
22 and

23 (c) [Repealed.]

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

25 (e) Add the municipality's extraordinary need grant pursuant to RSA 198:40-f.

26 ***(f) Add the municipality's fiscal capacity disparity aid pursuant to RSA 198:40-***
27 ***g.***

28 II. ~~[For municipalities where all school districts therein provide education to all of their~~
29 ~~pupils by paying tuition to other institutions, the department of education shall determine the total~~
30 ~~education grant for each municipality as the lesser of the 2 following calculations:~~

31 ~~(a) The amount calculated in accordance with paragraph I of this section; or~~

32 ~~(b) The total amount paid for items of current education expense as determined by the~~
33 ~~department of education minus the amount of the education tax warrant to be issued by the~~
34 ~~commissioner of revenue administration for such municipality reported pursuant to RSA 76:8 for the~~
35 ~~next tax year.~~

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1 ~~III.(a) For the biennium ending June 30, 2013, the department of education shall not~~
2 ~~distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds~~
3 ~~that municipality's total education grant in the second year of the previous biennium.~~

4 ~~(b) [Repealed.]~~

5 IV.(a) For fiscal year 2012, the department of education shall identify all municipalities in
6 which the fiscal year 2012 total education grant will be less than the fiscal year 2011 total education
7 grant. The department shall distribute a stabilization grant to each of those municipalities equal to
8 100 percent of the decrease.

9 ~~[(b) For fiscal year 2013, the department of education shall identify all municipalities in~~
10 ~~which the fiscal year 2013 total education grant, including any stabilization grant distributed~~
11 ~~pursuant to subparagraph (a), will be less than the fiscal year 2011 total education grant. The~~
12 ~~department shall distribute funds to each of those municipalities equal to 100 percent of the~~
13 ~~decrease.~~

14 ~~(c) For fiscal year 2014 through fiscal year 2016, the department of education shall~~
15 ~~distribute a total education grant to each municipality in an amount equal to the total education~~
16 ~~grant for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2012~~
17 ~~stabilization grant, if any, distributed to the municipality.~~

18 ~~(d) III.~~ For fiscal year 2024 and each fiscal year thereafter, the department of education
19 shall distribute a total education grant to each municipality in an amount equal to the total
20 education grant for the fiscal year in which the grant is calculated plus ~~[a percentage]~~ **85 percent**
21 the municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality~~;~~ ~~the~~
22 ~~percentage shall be 96 percent for fiscal year 2017, 92 percent for fiscal year 2018, 88 percent for~~
23 ~~fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year thereafter.]~~ No
24 stabilization grant shall be distributed to any municipality for any fiscal year in which the
25 municipality's education property tax warrant pursuant to RSA 76:8 exceeds the total cost of an
26 adequate education or to any municipality for any fiscal year in which the municipality's ADMR is
27 zero.

28 ***IV. For fiscal year 2024 and fiscal year 2025, the department of education shall***
29 ***distribute a hold harmless grant equal to 100 percent of the decrease when comparing the***
30 ***eligible grant award in each year to the fiscal year 2024 preliminary estimate as of***
31 ***November 15, 2022. No municipality with a current adequacy grant amount that exceeds***
32 ***the fiscal year 2024 preliminary estimate shall receive a hold harmless grant.***

33 V. The department shall use the best available data and methods to estimate ADMR and
34 education grants by November 15 of the year preceding the school year for which aid is determined.

35 VI. The department shall produce a revised estimate of grants using actual determination
36 year data for the purpose of settling municipal tax rates. A municipality's grant estimate shall not
37 be less than 95 percent of the estimate reported pursuant to paragraph V. The commissioner of the

1 department of education shall provide the estimate for the current fiscal year to the commissioner of
2 the department of revenue administration no later than October 1 of each year.

3 VII. When final determination year data is available, but not later than April 1, the
4 department shall make a final determination of grant amounts. A municipality's grant estimate
5 shall not be less than 95 percent of the estimate reported pursuant to paragraph V. The department
6 shall adjust the April grant disbursement required pursuant to RSA 198:42 so that the total amount
7 disbursed for the fiscal year shall match the final grant determination.

8 VIII. Reports of grant determinations for municipalities required pursuant to paragraphs V-
9 VII shall be available to the public by the date specified in paragraphs V-VII, and the department
10 shall make available a report for multi-town school districts and municipalities with multiple school
11 districts. The department of education shall provide the department of revenue administration the
12 information needed to set tax rates.

13 151 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

14 (b)(1)(A) Except as provided in subparagraph (2), for a chartered public school
15 authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition
16 amounts pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of ~~[\$3,286 to all~~
17 ~~chartered public schools for the fiscal year ending June 30, 2018, and \$3,411 to all chartered public~~
18 ~~schools for the fiscal year ending June 30, 2019]~~ **\$5,000 to all chartered public schools for the**
19 **fiscal year ending June 30, 2024** and each fiscal year thereafter, except for the Virtual Learning
20 Academy Charter School, directly to the chartered public school for each pupil who is a resident of
21 this state in the chartered public school's ADMA. Beginning July 1, ~~[2017]~~ **2024** and every
22 ~~[biennium]~~ **fiscal year** thereafter, the department of education shall adjust the per pupil amount of
23 the additional grant ~~[based on the average annual change in the Consumer Price Index for All Urban~~
24 ~~Consumers, Northeast Region, using the "services less medical care services" special aggregate~~
25 ~~index, as published by the Bureau of Labor Statistics, United States Department of Labor]~~
26 **pursuant to RSA 198:40-d.** The state shall pay amounts required pursuant to RSA 198:40-a, II(d)
27 directly to the resident district.

28 (B) For the Virtual Learning Academy Charter School authorized pursuant to
29 RSA 194-B:3-a, the state shall pay tuition amounts pursuant to RSA 198:40-a, II(a)-(c) and (e), plus
30 an additional grant of \$2,036 directly to the Virtual Learning Academy Charter School for each
31 eligible full-time enrolled pupil in the chartered public school's ADMA. The state shall pay amounts
32 required pursuant to RSA 198:40-a, II(d) directly to the resident district. The state shall also pay
33 tuition amounts pursuant to RSA 198:40-a, II(a) plus an additional grant of \$2,036 directly to the
34 Virtual Learning Academy Charter School for each full-time equivalent pupil. Beginning July 1,
35 2017 and every July 1 thereafter, the department of education shall adjust the per pupil amount of
36 the additional grant ~~[based on the average annual change in the Consumer Price Index for All Urban~~
37 ~~Consumers, Northeast Region, using the "services less medical care services" special aggregate~~

1 ~~index, as published by the Bureau of Labor Statistics, United States Department of Labor. The~~
2 ~~average change shall be calculated using the 3 calendar years ending 18 months before the~~
3 ~~beginning of the fiscal year for which the calculation is to be performed] **pursuant to RSA 198:40-d.**~~

4 152 Repeal; Third Grade Reading Accountability. RSA 193-C:3, IV(i), relative to grade 3
5 statewide education improvement and assessment program data, is repealed.

6 153 State Maintenance of Equity; Biennium Ending June 30, 2023. Amend 2001, 91:58, III to
7 read as follows:

8 III. Any state aid distributed under this section shall be an education grant in addition to
9 the state grant calculated under RSA 198:41 **and RSA 194-B:11** and shall be distributed to school
10 districts **and chartered public schools** accordingly. Depending on how the United States
11 Department of Education allows states to define "pupil" as it relates to determining state aid per
12 pupil under Section 2004(b) of the American Rescue Plan Act of 2021, the department of education
13 may experience delays in accurately collecting pupil data to meet the definition as defined by the
14 United States Department of Education, thereby delaying the calculation of the grant award. If such
15 delay occurs, the department of education may issue the grants described in this section up to 120
16 days after the end of the applicable fiscal year being assessed for compliance with federal law.

17 154 Budget and Appropriations; Transfers Authorized. Amend RSA 9:16-a, II-a(c) to read as
18 follows:

19 (c) The appropriations budgeted in class 027-transfers to DoIT, class 028-transfers to
20 general services, **class 040-indirect costs**, class 041-audit funds set aside, class 042-additional
21 fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers
22 compensation, ~~and~~ class 064-retiree pension benefit-health insurance, **class 210-bond insurance,**
23 **and class 211-property and casualty insurance**, shall not be transferred or expended for any
24 other purpose, except that agencies may transfer any portion of funds in class 027 transfers to OIT
25 not related to IT shared services upon consultation with and approval from the CIO.

26 155 New Paragraph; Budget and Appropriations. Amend RSA 9:16-a, II-a by inserting after
27 subparagraph (d) the following new subparagraph:

28 (e) The following classes shall not lapse in the first year of the operating budget: class
29 028-transfers to general services, class 040-indirect costs, class 041-audit funds set aside, class 042-
30 additional fringe benefits, class 061-unemployment compensation, class 062-workers compensation,
31 class 064-retiree pension benefit-health insurance, class-210 bond insurance, and class-211 property
32 casualty insurance.

33 156 Medical and Surgical Benefits. Amend RSA 21-I:30, XV to read as follows:

34 XV. Funds appropriated for the purposes of this section shall not be transferred or used for
35 any other purpose **and shall be nonlapsing.**

36 157 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

1 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state
2 departments and institutions include an annual increment for each position, and whereas upon
3 occasion due to vacancies and personnel turnover, salaries, increment increases and longevity as
4 provided by the appropriations are not needed for said positions, each quarter the department of
5 administrative services shall **review accounts and** transfer said amount, **if needed**, from the
6 departmental or institutional appropriation to a special account to be known as the salary
7 adjustment fund. This fund shall lapse at the end of each fiscal year and revert to the appropriate
8 fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon
9 the certification of the ~~[director of personnel]~~ **commissioner of the department of administrative**
10 **services**, subject to the approval of governor and council, the salary adjustment fund shall be
11 available for transfer to departments and institutions in amounts that are ~~[deemed necessary to~~
12 ~~comply with RSA 98]~~ **necessary to pay any legally authorized salaries for employees in the**
13 **classified system, followed by an annual informational report to the governor and council**
14 **after fiscal year end.**

15 158 Employee Benefit Adjustment Account. Amend RSA 9:17-c to read as follows:

16 9:17-c Employee Benefit Adjustment Account. Whereas the appropriations for employee
17 benefits in state departments and institutions may upon occasion not be totally needed for each
18 position due to vacancies and personnel turnover, the department of administrative services shall
19 **review accounts and** transfer said amount, **if needed**, quarterly from the departmental or
20 institutional appropriation to a special account to be known as the employee benefit adjustment
21 account. This fund shall lapse at the end of each fiscal year and revert to the appropriate fund.
22 Upon the certification of the commissioner of administrative services, ~~[subject to the approval of~~
23 ~~governor and council,]~~ the employee benefit account shall be available for transfer to departments
24 and institutions in amounts that are deemed necessary to pay the state's required proportionate
25 share of any legally authorized employee benefit, **followed by an annual informational report to**
26 **the governor and council after fiscal year end.** Notwithstanding the provisions of RSA 9:17, no
27 transfer shall be made from any appropriation for employee benefits to any other appropriation for
28 any other use or purpose except as provided in this section.

29 159 Department of Administrative Services; State Budget Office. Amend the introductory
30 paragraph of RSA 21-I:6 to read as follows:

31 21-I:6 Budget Office. There is hereby established within the office of the commissioner of
32 administrative services a state budget office under the supervision of an unclassified budget
33 ~~[director]~~ **officer** who shall:

34 160 Department of Administrative Services; Planning and Design Costs. Amend RSA 21-I:85 to
35 read as follows:

36 21-I:85 Planning and Design Costs. ~~[The division of public works design and construction shall~~
37 ~~not perform any design and planning work for any non-general fund state agency unless the division~~

1 ~~is reimbursed for such work by the agency.]~~ ***The department of administrative services shall***
2 ***bill state agencies for any design, planning, project management, and/or inspection work***
3 ***for all capital construction projects administered through the department, and for any***
4 ***operating projects that are funded in full or in part with federal funds, agency income, or***
5 ***funding sources other than general funds.***

6 161 Appropriation; Department of Administrative Services; Technology Upgrades. There is
7 hereby appropriated to the department of administrative services the sum of \$7,800,000 for the fiscal
8 year ending June 30, 2023, for the purpose of technology upgrades to ensure the sustainability of the
9 state's financial, payroll and budgeting system. The sum appropriated shall be nonlapsing, provided
10 that any unexpended amount following completion of the project shall lapse to the general fund. The
11 governor is authorized to draw a warrant for said sum out of any money in the treasury not
12 otherwise appropriated.

13 162 Effective Date. Section 161 of this act shall take effect June 30, 2023.

14 163 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
15 paragraph III the following new paragraph:

16 III-a. The commission shall elect a chairperson, vice-chairperson, and a recorder.

17 164 State Commission on Aging. Amend RSA 19-P:1, IV to read as follows:

18 IV. The members appointed pursuant to subparagraph II(j) shall serve 2-year terms;
19 provided that initially such members shall serve staggered terms and no such member shall serve
20 more than 2 consecutive terms, ***with the exception of the chairperson, vice-chairperson, and***
21 ***recorder, who may service an additional term for a total of 3 terms. A council member***
22 ***whose term of office is expiring may continue beyond the end of the term until reappointed***
23 ***or until a successor is nominated.*** Legislative members shall receive mileage at the legislative
24 rate when attending to the duties of the commission. The first named member of the house of
25 representatives shall convene the organizational meeting of the commission on or before 45 days of
26 passage of this chapter for the purpose of electing officers serving on the commission. ~~[Thirteen]~~ ***A***
27 ***majority of the*** members shall constitute a quorum. If any member is absent without previously
28 being excused by the chairperson for 3 or more regular meetings, the member may be removed upon
29 a majority vote of the commission.

30 165 State Commission on Aging. Amend RSA 19-P:1, V to read as follows:

31 V. The commission shall be authorized to select and hire select an executive director by a
32 vote of a majority of the members. The executive director shall be in the classified service of the
33 state and shall perform such duties as the commission may require. ~~[The governor is authorized to~~
34 ~~draw a warrant for the amount necessary to pay for the executive director position and related office~~
35 ~~expenditures authorized in this paragraph out of any money in the treasury not otherwise~~
36 ~~appropriated.]~~ The commission shall hold no fewer than 9 regular meetings per year.

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1 166 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
2 paragraph V the following new paragraph:

3 VI. The commission on aging shall be an independent agency, administratively attached to
4 the department of administrative services pursuant to RSA 21-G:10.

5 167 New Paragraph; Duties of the State Commission on Aging. Amend RSA 19-P:2 by inserting
6 after paragraph XIV the following new paragraph:

7 XV. Accepting and utilizing for its purposes, functions, and duties as set forth in this
8 chapter public and private grants, gifts, donations, and contributions of money and other assets and
9 properties, real and personal, of all types and kinds, without limitations.

10 168 Corrections Officers' Salaries.

11 I. Effective July 14, 2023, part-time corrections officers and corrections officer corporals
12 shall be compensated in accordance with the salary schedule applicable to full-time corrections
13 officers and corrections officer corporals.

14 II. Effective July 14, 2023, corrections officer majors shall be compensated in accordance
15 with the salary schedule applicable to corrections officer lieutenants, sergeants, and captains.

16 169 Parking; Concord. The department of administrative services is authorized to spend such
17 funding as appropriated for additional parking for full-time and part-time employees who are
18 assigned to the downtown Concord area and who are not provided a state-provided parking space for
19 their personal vehicle.

20 170 Compensation for Certain State Officers; Unclassified State Employees; July 14, 2023.
21 RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

22 I.(a) The following salary ranges shall apply to the following grades:

| 23 | GRADE | STEP 01 | STEP 02 | STEP 03 | STEP 04 | STEP 05 | STEP 06 | STEP 07 |
|----|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 24 | AA | 62,406 | 66,467 | 70,557 | 74,618 | 78,679 | 82,740 | 86,830 |
| 25 | BB | 64,894 | 69,127 | 73,359 | 77,592 | 81,825 | 86,058 | 90,291 |
| 26 | CC | 67,897 | 72,330 | 76,763 | 81,196 | 85,629 | 90,062 | 94,495 |
| 27 | DD | 71,500 | 76,162 | 80,824 | 85,514 | 90,176 | 94,838 | 99,500 |
| 28 | EE | 75,705 | 80,652 | 85,629 | 90,577 | 95,524 | 100,472 | 105,449 |
| 29 | FF | 80,938 | 86,258 | 91,549 | 96,869 | 102,160 | 107,451 | 112,770 |
| 30 | GG | 87,373 | 93,093 | 98,842 | 104,562 | 110,282 | 116,031 | 121,751 |
| 31 | HH | 95,153 | 101,387 | 107,622 | 113,886 | 120,120 | 126,384 | 132,619 |
| 32 | II | 100,587 | 107,193 | 113,800 | 120,406 | 127,042 | 133,648 | 140,255 |
| 33 | JJ | 106,049 | 112,999 | 119,977 | 126,956 | 133,934 | 140,913 | 147,891 |
| 34 | KK | 108,738 | 115,888 | 123,066 | 130,216 | 137,366 | 144,516 | 151,666 |
| 35 | LL | 0 | 0 | 0 | 0 | 0 | 0 | 156,500 |
| 36 | MM | 0 | 0 | 0 | 0 | 0 | 0 | 161,791 |
| 37 | NN | 0 | 0 | 0 | 0 | 0 | 0 | 167,997 |

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| | | | | | | | | |
|---|----|---|---|---|---|---|---|---------|
| 1 | OO | 0 | 0 | 0 | 0 | 0 | 0 | 175,233 |
| 2 | PP | 0 | 0 | 0 | 0 | 0 | 0 | 183,927 |
| 3 | QQ | 0 | 0 | 0 | 0 | 0 | 0 | 194,366 |

4 171 Salary Wages for Councilors and Commissioners; July 14, 2023. RSA 94:1-a, II is repealed
5 and reenacted to read as follows:

6 II. The salary wages for the positions set forth below shall be as follows commencing July
7 14, 2023:

| | | |
|----|--|----------|
| 8 | | Maximum |
| 9 | Governor's councilors | \$19,734 |
| 10 | Racing and charitable gaming commissioners | \$15,301 |
| 11 | Sweepstakes commission, chairman | \$22,251 |
| 12 | Sweepstakes commission, members | \$12,527 |

13 172 Compensation for Certain State Officers; Unclassified State Employees; July 12, 2024. RSA
14 94:1-a, I (a) is repealed and reenacted to read as follows:

15 I.(a) The following salary ranges shall apply to the following grades:

| 16 | GRADE | STEP 01 | STEP 02 | STEP 03 | STEP 04 | STEP 05 | STEP 06 | STEP 07 |
|----|--------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 17 | AA | 63,655 | 67,797 | 71,969 | 76,111 | 80,253 | 84,395 | 88,567 |
| 18 | BB | 66,192 | 70,510 | 74,827 | 79,144 | 83,462 | 87,780 | 92,097 |
| 19 | CC | 69,255 | 73,777 | 78,299 | 82,820 | 87,342 | 91,864 | 96,385 |
| 20 | DD | 72,930 | 77,686 | 82,441 | 87,225 | 91,980 | 96,735 | 101,490 |
| 21 | EE | 77,220 | 82,266 | 87,342 | 92,389 | 97,435 | 102,482 | 107,558 |
| 22 | FF | 82,557 | 87,984 | 93,380 | 98,807 | 104,204 | 109,601 | 115,026 |
| 23 | GG | 89,121 | 94,955 | 100,819 | 106,654 | 112,488 | 118,352 | 124,187 |
| 24 | HH | 97,057 | 103,415 | 109,775 | 116,164 | 122,523 | 128,912 | 135,272 |
| 25 | II | 102,599 | 109,337 | 116,076 | 122,815 | 129,583 | 136,321 | 143,061 |
| 26 | JJ | 108,170 | 115,259 | 122,377 | 129,496 | 136,613 | 143,732 | 150,849 |
| 27 | KK | 110,913 | 118,206 | 125,528 | 132,821 | 140,114 | 147,407 | 154,700 |
| 28 | LL | 0 | 0 | 0 | 0 | 0 | 0 | 159,630 |
| 29 | MM | 0 | 0 | 0 | 0 | 0 | 0 | 165,027 |
| 30 | NN | 0 | 0 | 0 | 0 | 0 | 0 | 171,357 |
| 31 | OO | 0 | 0 | 0 | 0 | 0 | 0 | 178,738 |
| 32 | PP | 0 | 0 | 0 | 0 | 0 | 0 | 187,606 |
| 33 | QQ | 0 | 0 | 0 | 0 | 0 | 0 | 198,254 |

34 173 Salary Wages for Councilors and Commissioners; July 12, 2024. RSA 94:1-a, II is repealed
35 and reenacted to read as follows:

36 II. The salary wages for the positions set forth below shall be as follows commencing July
37 12, 2024:

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| | | |
|---|--|----------|
| 1 | | Maximum |
| 2 | Governor's councilors | \$20,129 |
| 3 | Racing and charitable gaming commissioners | \$15,608 |
| 4 | Sweepstakes commission, chairman | \$22,697 |
| 5 | Sweepstakes commission, members | \$12,778 |

6 174 Department of Justice; Attorney Salaries; July 14, 2023. RSA 94:1-a, I(c) is repealed and
7 reenacted to read as follows:

8 I.(c) For attorney positions in the department of justice, except for the attorney general and
9 deputy attorney general, the following shall apply commencing on July 14, 2023:

| 10 | Minimum | Market anchor | Maximum |
|----|-----------------------------------|---------------|-----------|
| 11 | \$60,778 | | \$140,802 |
| 12 | Attorney | \$73,264 | |
| 13 | Assistant attorney general | \$99,796 | |
| 14 | Senior assistant attorney general | \$123,208 | |
| 15 | Associate attorney general | \$135,695 | |

16 175 Legislative Employees; July 14, 2023. Legislative employees shall receive 10 percent salary
17 increases effective July 14, 2023, if such increases are approved by the appointing authority.

18 176 Legislative Employees; July 12, 2024. Legislative employees shall receive 2 percent salary
19 increases effective July 12, 2024 if such increases are approved by the appointing authority.

20 177 Judicial Salaries; July 14, 2023. RSA 491-A:1 is repealed and reenacted to read as follows:

21 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

| | | |
|----|---|-----------|
| 22 | Chief justice, supreme court | \$204,076 |
| 23 | Associate justices, supreme court | \$197,937 |
| 24 | Chief justice, superior court and administrative judges | |
| 25 | appointed pursuant to supreme court rule 54 | \$197,937 |
| 26 | Associate justices, superior court | \$185,638 |
| 27 | District court justices prohibited from practice | |
| 28 | pursuant to RSA 502-A:21 | \$185,638 |
| 29 | Probate judges prohibited from practice | |
| 30 | pursuant to RSA 547:2-a | \$185,368 |

31 178 Judicial Salaries; July 12, 2024. RSA 491-A:1 is repealed and reenacted to read as follows:

32 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

| | | |
|----|---|-----------|
| 33 | Chief justice, supreme court | \$208,157 |
| 34 | Associate justices, supreme court | \$201,895 |
| 35 | Chief justice, superior court and administrative judges | |
| 36 | appointed pursuant to supreme court rule 54 | \$201,895 |
| 37 | Associate justices, superior court | \$189,350 |

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1 District court justices prohibited from practice
2 pursuant to RSA 502-A:21 \$189,350
3 Probate judges prohibited from practice
4 pursuant to RSA 547:2-a \$189,350

5 179 Judicial Employees; July 14, 2023. All unrepresented judicial employees shall receive 10
6 percent salary increases effective July 14, 2023.

7 180 Judicial Employees; July 12, 2024. All unrepresented judicial employees shall receive 2
8 percent salary increases effective July 12, 2024.

9 181 Salary Adjustment for Recruitment or Retention. All employees listed in RSA 94:3-b II,
10 shall receive a 10 percent salary increases effective July 14, 2023.

11 182 Salary Adjustment for Recruitment or Retention. All employees listed in RSA 94:3-b II,
12 shall receive a 2 percent salary increases effective July 12, 2024.

13 183 Appropriations.

14 I. The following sums are appropriated from the following sources for the purposes of salary
15 and compensation adjustments in this act for the fiscal year ending June 30, 2024:

| FY 2024 | | | | | | | | |
|---------------|--------------|-------------|--------------|-------------|-------------|------------------|--------------|------|
| All | General | Liquor | Federal | Highway | Turnpike | Fish and Game | Other | Game |
| \$101,554,000 | \$44,900,000 | \$3,394,000 | \$16,702,000 | \$9,262,000 | \$1,826,000 | \$875,000 | \$24,595,000 | |

20 II. The following sums are appropriated from the following sources for the purposes of
21 salary and compensation adjustments in this act for the fiscal year ending June 30, 2025:

| FY 2025 | | | | | | | | |
|---------------|--------------|-------------|--------------|--------------|-------------|------------------|--------------|------|
| All | General | Liquor | Federal | Highway | Turnpike | Fish and Game | Other | Game |
| \$123,896,000 | \$54,778,000 | \$4,140,000 | \$20,377,000 | \$11,300,000 | \$2,228,000 | \$1,067,000 | \$30,006,000 | |

26 III. The department of administrative services is authorized to make any rounding
27 adjustments of up to +\$.01 per hour as needed to properly process the employee's payroll within the
28 currently designed human resources/payroll system (NH FIRST).

29 IV. The governor is authorized to draw a warrant to the general fund portion of said sums
30 out of any money in the treasury not otherwise appropriated.

31 184 Effective Date.

32 I. Sections 170, 171, 174, and 177 of this act shall take effect July 14, 2023.

33 II. Sections 172, 173, and 178 of this act shall take effect July 12, 2024.

34 185 Business Profits Tax; Distribution to Education Trust Fund. Amend RSA 77-A:20-a to read
35 as follows:

36 77-A:20-a Distribution of Funds.

37 I. The commissioner shall determine [~~the additional amounts~~] **22.5 percent of the** revenue

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1 produced by ~~[an increase of 1.5 percent in the rate of]~~ **the** tax imposed by RSA 77-A:2 for each fiscal
2 year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the
3 education trust fund established by RSA 198:39.

4 II. The commissioner shall make quarterly estimates of the amount of ~~[additional]~~ revenues
5 that will be produced ~~[by the increase in tax rate]~~ for the next fiscal year and shall certify such
6 amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39.
7 Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

8 186 Business Enterprise Tax; Distribution to Education Trust Fund. Amend RSA 77-E:14 to
9 read as follows:

10 77-E:14 Distribution of Funds.

11 I. The commissioner shall determine ~~[the additional amounts of]~~ **22.5 percent of the**
12 revenue produced by ~~[an increase of .50 percent in the rate of]~~ **the** tax imposed by RSA 77-E:2 for
13 each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for
14 deposit in the education trust fund established by RSA 198:39.

15 II. The commissioner shall make quarterly estimates of the amount of ~~[additional]~~ revenues
16 that will be produced ~~[by the increase in tax rate]~~ for the next fiscal year and shall certify such
17 amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39.
18 Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

19 187 Department of Health and Human Services, Division of Public Health Services, Choose
20 Love Program. There is hereby appropriated to department of health and human services, division
21 of public health services the sums of \$250,000 for the fiscal year ending June 30, 2024, and \$250,000
22 for the fiscal year ending June 30, 2025, for the purpose of operating the choose love program and
23 funding 2 classified positions as determined by the director of public health services. The governor is
24 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
25 appropriated.

26 188 New Paragraph; Department of Health and Human Services; Authorization to Fill
27 Unfunded Positions. Amend RSA 126-A:4 by inserting after paragraph VI the following new
28 paragraph:

29 VII. The department of health and human services shall have the authority to fill unfunded
30 positions, provided that the total expenditure for such positions shall not exceed the amount
31 appropriated to the department for personal services.

32 189 Department of Health and Human Services; Foster Grandparent Program. The
33 reimbursements to the foster grandparent program through the senior volunteer grant program,
34 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2025.

35 190 Department of Health and Human Services; Bureau of Adult and Elderly Services;
36 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver

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1 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
2 biennium ending June 30, 2025.

3 191 Department of Health and Human Services; Social Services Block Grant Cost of Living
4 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
5 June 30, 2025, the department of health and human services shall raise the income eligibility for
6 elderly and adult clients under the social services block grant program each January, by the
7 percentage amount of the cost of living increase in social security benefits on a yearly basis, provided
8 such amount is consistent with federal law and regulations relative to the social services block grant
9 income eligibility.

10 192 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
11 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as
12 amended by 2019, 346:61, I, as amended by 2021, 91:404 to read as follows:

13 I. Section 5 of this act shall take effect July 1, [~~2023~~] **2025**.

14 193 Graduate Medical Education Payments Suspended. The commissioner of the department of
15 health and human services shall submit a Title XIX Medicaid state plan amendment to the federal
16 Centers for Medicare and Medicaid Services to suspend the provision of direct and indirect graduate
17 medical education payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium
18 ending June 30, 2025. Upon approval of the state plan amendment, and as of the effective date of
19 the state plan amendment, any obligations for payment of direct and indirect graduate medical
20 education shall be suspended for the biennium ending June 30, 2025.

21 194 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
22 commissioner of the department of health and human services shall submit a Title XIX Medicaid
23 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
24 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2025.

25 195 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For
26 the biennium ending June 30, 2025, in the event funds appropriated in accounting unit 05-95-47-
27 0010-7207 Medicaid to schools, are insufficient, the department of health and human services may
28 accept and expend additional federal funds with the prior approval of the fiscal committee of the
29 general court. Any request to the fiscal committee shall include a detailed explanation of the types
30 of assistance the department is providing to school districts to ensure eligibility for reimbursement
31 under the Medicaid to schools program.

32 196 Department of Health and Human Services; Division of Medicaid Services. Any funds
33 appropriated to activity 05-95-47-470010, division of Medicaid services, for the biennium ending
34 June 30, 2023 shall not lapse until June 30, 2025, and shall be treated as restricted revenue for the
35 purpose of funding expenditures in account 05-95-47-470010-7948, Medicaid care management. The
36 department of health and human services is authorized to accept and expend any matching federal

1 funds for the purposes of this section without prior approval of the fiscal committee of the general
2 court.

3 197 Department of Health and Human Services; Preventative Health Care Benefits; Medicaid
4 Program. The commissioner of the department of health and human services shall, if necessary,
5 submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
6 Medicaid Services to establish and provide preventative health care benefits under the state
7 Medicaid program, including but not limited to nicotine cessation, transitional care management,
8 chronic care management, diabetes prevention program, and screening, brief intervention, and
9 referral to treatment (SBIRT) services. In addition, the commissioner may adopt rules under RSA
10 541-A, relative to the preventative health care benefits described in this section.

11 198 Department of Health and Human Services; Transfer Between Certain Classes.
12 Notwithstanding any other provision of law, the department of health and human services is hereby
13 authorized to transfer funds between classes 072, 074, 102, and 103, and create new class lines for
14 classes 072, 074, 102, and 103, in order to comply with federal Uniform Administrative
15 Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).

16 199 Health Facility Licensing; Inspection. Amend RSA RSA 151:6, II to read as follows:

17 II. The department of health and human services may require by rule that any licensee or
18 prospective applicant desiring to make specified types of alterations or additions to its facilities or to
19 construct new facilities shall, before commencing such alteration, addition or new construction,
20 submit plans and specifications therefor to the [~~department of health and human services~~]
21 ***department of safety, division of fire safety*** for preliminary inspection and approval or
22 recommendations.

23 200 Health Care Facility Workplace Violence Prevention Program and Commission; Suspension
24 of State Participation for Biennium. The following aspects of state agency participation in the health
25 care facility workplace violence prevention program, established in RSA 151:53, and the New
26 Hampshire health care workplace safety commission, established in RSA 151-J, are hereby
27 suspended for the biennium ending June 30, 2025:

28 I. RSA 151:53, IV, relative to incident reporting by the department of health and human
29 services.

30 II. RSA 151:53, VII, relative to website database design and implementation.

31 III. RSA 151-J:1, II(a)(2), (4),(5), and (6), relative to participation of the chief executive
32 officer of New Hampshire hospital, the commissioner of the department of health and human
33 services, the commissioner of the department of labor, and the attorney general on the New
34 Hampshire health care workplace safety commission; provided that nothing in this section shall
35 prevent voluntary participation of such individuals or their designees.

36 201 Residential Care and Health Facility Licensing; Workplace Violence Prevention Program.
37 Amend RSA 151:53, V to read as follows:

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1 V. Each health facility shall prepare and submit to the health care workplace safety
2 commission established in RSA 151-J an annual report containing all workplace violence and hostile
3 words incidents reported to the health facility directed at an employee by a patient, coworker,
4 supervisor, manager, or other individuals who have a personal relationship with a patient. The
5 chair of the health and human services oversight committee, established in RSA 126-A:13, with the
6 advice of the health care workplace safety commission, may recommend updates to New Hampshire
7 statutes or recommend updates to the rules adopted for the implementation of this section. The
8 commissioner of health and human services, in consultation with the health care workplace safety
9 commission and the health and human services oversight committee, ~~[shall]~~ **may** adopt rules
10 pursuant to RSA 541-A deemed necessary for the implementation of this section in coordination with
11 the department of health and human services, including a common reporting form.

12 202 New Hampshire Health Care Workplace Safety Commission; Administration. Amend RSA
13 151-J:6 to read as follows:

14 151-J:6 Administration. The commission may ~~[delegate to]~~ **request that** the department of
15 health and human services **assume** the functions of collecting, analyzing, and disseminating
16 workplace violence information, organizing and convening meetings of the commission, and other
17 substantive and administrative tasks as may be incident to these activities or directed by the
18 commission. The activities of the department of health and human services and its employees or
19 agents shall be subject to the same confidentiality provisions and data privacy as those that apply to
20 the commission.

21 203 New Hampshire Health Care Workplace Safety Commission; Rulemaking. Amend RSA
22 151-J:8 to read as follows:

23 151-J:8 Rulemaking. The commissioner of the department of health and human services, with
24 the advice of members of the commission, ~~[shall]~~ **may** adopt rules pursuant to RSA 541-A, to assure
25 de-identification of all individuals and facilities involved in the incidents received.

26 204 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
27 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV, as amended by 2019, 346:64
28 and 2021, 91:27 to read as follows:

29 IV. Section 10 of this act shall take effect June 30, ~~[2023]~~ **2025**.

30 205 Effective Date. Section 204 of this act shall take effect June 30, 2023.

31 206 Department of Health and Human Services; Unclassified Positions Established.

32 I. The following unclassified positions are established in the department of health and
33 human services:

34 (a) Medicaid pharmacy director.

35 (b) Pharmaceutical service specialist.

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

4 III. The following classified positions are abolished upon completion of the salary and letter
5 appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever
6 is sooner: #30278; #12433 .

7 IV. The incumbents in the classified positions abolished in paragraph III shall be offered the
8 opportunity to transfer into the unclassified positions established in paragraph I.

9 207 Department of Health and Human Services; Unclassified Positions Established;
10 Appropriation.

11 I. The following unclassified positions are established in the department of health and
12 human services:

- 13 (a) Twenty four staff attorney positions.
- 14 (b) Five supervisory staff attorney positions.
- 15 (c) Three supervising attorney positions.

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

19 III. The following classified positions are abolished upon completion of the salary and letter
20 appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever
21 is sooner:

22 (a) Attorney II:

| | | | | |
|-----------|--------|------------|------------|--------|
| 23 #11677 | #15803 | #16212 | #16248 | #19145 |
| 24 #40083 | #40084 | #40085 | #40086 | #40087 |
| 25 #40088 | #40089 | #40090 | #40091 | #40092 |
| 26 #40093 | #40095 | #40096 | #40396 | #43485 |
| 27 #44216 | #44217 | #44355 | #44380 | #44539 |
| 28 #44560 | #44561 | #TMPPT5726 | #TMPPT5779 | |

29 (b) Attorney III:

| | | |
|-----------|--------|--------|
| 30 #15402 | #19766 | #44562 |
|-----------|--------|--------|

31 IV. The incumbents in the classified positions abolished in paragraph III shall be offered the
32 opportunity to transfer into the newly established unclassified positions.

33 V. There is hereby appropriated to the department of health and human services the sums
34 of \$141,000 for the fiscal year ending June 30, 2024, and \$140,000 for the fiscal year ending June 30,
35 2025, for the purpose of compensating the newly established unclassified positions in this section.
36 The sum appropriated shall be nonlapsing. The governor is authorized to draw a warrant for said
37 sums out of any money in the treasury not otherwise appropriated.

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1 208 Department of Health and Human Services; Developmental Services, Acquired Brain
2 Disorder Services, and In-home Support Waiver. Pursuant to RSA 171-A:8-b, the department of
3 health and human services shall be authorized to carry forward funds from state fiscal year 2023 in
4 the developmental services fund, acquired brain disorder services fund, and in-home support waiver
5 fund for the purpose of carrying out the provisions of RSA 171-A for the biennium ending June 30,
6 2025. Funds unexpended from the following accounts in the biennium ending June 30, 2023 shall be
7 carried forward and treated as restricted revenue for the purpose of funding expenditures from those
8 accounts in the biennium ending June 30, 2025: 05-95-93-930010-7100, Developmental Services; 05-
9 95-93-930010-7016, Acquired Brain Disorder Services; and 05-95-93-930010-7110, Children's In-
10 Home Support Services.

11 209 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
12 read as follows:

13 (a) The total billings to all counties made pursuant to this section shall not exceed the
14 amounts set forth below for state fiscal years ~~[2022-2023]~~ **2024-2025**:

15 (1) State fiscal year ~~[2022]~~ **2024**, [~~\$129,362,411~~] **\$131,849,659**

16 (2) State fiscal year ~~[2023]~~ **2025**, [~~\$131,849,659~~] **\$131,849,659**;

17 210 Appropriation; Department of Health and Human Services; Choices for Independence. The
18 sums of \$4,750,000 in the fiscal year 2024 and \$10,350,000 in the fiscal year 2025 are hereby
19 appropriated to the department of health and human services for the purpose of funding Choices for
20 Independence, a Medicaid-funded program that provides a wide range of service choices that enable
21 eligible adults to stay in their own homes and communities. The funds shall be nonlapsing until
22 June 30, 2025. The department may accept and expend matching federal funds without prior
23 approval of the fiscal committee. The governor is authorized to draw a warrant for said sums out of
24 any money in the treasury not otherwise appropriated.

25 211 Appropriation; Department of Health and Human Services; Medicaid Management
26 Information System. Of funds appropriated to the department of health and human services for the
27 biennium ending June 30, 2023, the sum of \$20,531,625 shall not lapse until June 30, 2025 and shall
28 be treated as restricted revenue for the purpose of funding expenditures in account 05-95-47-470010-
29 8009, Medicaid management information system.

30 212 Effective Date. Section 211 of this act shall take effect June 30, 2023.

31 213 Appropriation; Department of Health and Human Services. There is hereby appropriated to
32 the department of health and human services the sum of \$16,358,878 for the fiscal year ending June
33 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of funding the elevated
34 enrollment unwinding related to the end of continuous enrollment in accordance with the Centers for
35 Medicare and Medicaid Services guidance. The department may accept and expend matching
36 federal funds without prior approval of the fiscal committee. The governor is authorized to draw a
37 warrant for said sum out of any money in the treasury not otherwise appropriated.

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1 214 Effective Date. Section 213 of this act shall take effect June 30, 2023.

2 215 Appropriation; Department of Health and Human Services; Moving One District Office.
3 There is hereby appropriated the sum of \$533,000 for the fiscal year ending June 30, 2023, which
4 shall be nonlapsing until June 30, 2025, to the department of health and human services for the
5 purpose of moving one district office. The governor is authorized to draw a warrant for said sum out
6 of any money in the treasury not otherwise appropriated.

7 216 Effective Date. Section 215 of this act shall take effect June 30, 2023.

8 217 Appropriation; Department of Health and Human Services; Vehicles and Equipment at New
9 Hampshire Hospital. There is hereby appropriated the sum of \$200,000 to the department of health
10 and human services for the fiscal year ending June 30, 2023, which shall be nonlapsing until June
11 30, 2025, for the purpose of replacing vehicles and clinical equipment at New Hampshire hospital.
12 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
13 otherwise appropriated.

14 218 Effective Date. Section 217 of this act shall take effect June 30, 2023.

15 219 Appropriation; Department of Health and Human Services; IT Consultants; Analysis. The
16 sum of \$1,500,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30,
17 2025, is hereby appropriated to the department of health and human services for the purpose of
18 hiring IT consultants to manage projects and perform analysis to support IT building automated
19 solutions to streamline business processes. The governor is authorized to draw a warrant for said
20 sum out of any money in the treasury not otherwise appropriated.

21 220 Effective Date. Section 219 of this act shall take effect June 30, 2023.

22 221 Appropriation; Department of Health and Human Services; IT Consultants; Automated
23 Solutions. The sum of \$1,950,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing
24 until June 30, 2025, is hereby appropriated to the department of health and human services for the
25 purpose of hiring IT consultants to develop and implement automated solutions to streamline
26 business processes. The governor is authorized to draw a warrant for said sum out of any money in
27 the treasury not otherwise appropriated.

28 222 Effective Date. Section 221 of this act shall take effect June 30, 2023.

29 223 Appropriation; Department of Health and Human Services; Food Stamp Eligibility. There
30 is hereby appropriated the sum of \$125,000 for the fiscal year ending June 30, 2023, which shall be
31 nonlapsing until June 30, 2025, to the department of health and human services, for the purpose of
32 replacing a legacy database used for pulling quality samples for food stamp eligibility reviews. The
33 governor is authorized to draw a warrant for said sum out of any money in the treasury not
34 otherwise appropriated.

35 224 Effective Date. Section 223 of this act shall take effect June 30, 2023.

36 225 Appropriation; Department of Health and Human Services; DHHS Offices. There is hereby
37 appropriated the sum of \$410,100 to the department of health and human services for the fiscal year

1 ending June 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of replacing
2 aging switches, routers, and wireless access point at DHHS offices. The department may accept and
3 expend matching federal funds without prior approval of the fiscal committee. The governor is
4 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
5 appropriated.

6 226 Effective Date. Section 225 of this act shall take effect June 30, 2023.

7 227 Appropriation; Department of Health and Human Services; Temporary Assistance For
8 Needy Families; Maintenance of Effort. There is hereby appropriated to the department of health
9 and human services the sums of \$2,500,000 for the fiscal year ending June 30, 2024, and \$2,500,000
10 for the fiscal year ending June 30, 2025, to ensure maintenance of effort funding is sufficient to meet
11 the federal temporary assistance for needy families maintenance of effort levels. The governor is
12 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
13 appropriated.

14 228 Appropriation; Department of Health and Human Services; Nutrition and Transportation
15 Services. There is hereby appropriated to the department of health and human services the sums of
16 \$3,404,991 for the fiscal year ending June 30, 2024, and \$3,404,991 for the fiscal year ending June
17 30, 2025, for the purpose of funding Title XX service rates for nutrition and transportation service
18 rates. The governor is authorized to draw a warrant for said sums out of any money in the treasury
19 not otherwise appropriated.

20 229 Appropriation; Department of Health and Human Services; Foster Care Rates. There is
21 hereby appropriated to the department of health and human services the sums of \$870,481 for the
22 fiscal year ending June 30, 2024, and \$957,529 for the fiscal year ending June 30, 2025, for the
23 purpose of increasing foster care rates. The department may accept and expend matching federal
24 funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant
25 for said sums out of any money in the treasury not otherwise appropriated.

26 230 Appropriation; Department of Health and Human Services; Medicaid Provider Rate
27 Increases. There is hereby appropriated to the department of health and human services the sums
28 of \$12,000,000 for the fiscal year ending June 30, 2024, and \$12,000,000 for the fiscal year ending
29 June 30, 2025, for the purpose of increasing Medicaid provider rates, excluding rates for hospital
30 inpatient and hospital outpatient services. The department shall utilize such funds to increase rates
31 pursuant to section 1902 (a)(30)(A) of the Social Security Act, to promote efficiency, economy, and
32 quality of care within New Hampshire's Medicaid program. The department may accept and expend
33 any federal funds available for the purposes of this section without the prior approval of the fiscal
34 committee of the general court. The governor is authorized to draw a warrant for said sums out of
35 any money in the treasury not otherwise appropriated.

36 231 Appropriation; Department of Health and Human Services; Targeted Medicaid Rate
37 Increases. In addition to any other sums appropriated, there is hereby appropriated to the

1 department of health and human services the following amounts for the purpose of increasing rates
2 paid to service providers. The governor is authorized to draw a warrant for said sums out of any
3 money in the treasury not otherwise appropriated. Said rate increases shall go into effect no later
4 than January 1, 2024. If feasible, the department shall implement any of the rate increases prior to
5 that date, with priority given to those the commissioner has deemed most critical. For all
6 appropriations below, the department may accept and expend matching federal funds without prior
7 approval of the fiscal committee of the general court. For each appropriation, the department shall
8 report to the fiscal committee of the general court, by October 1, 2023, the accounting units in the
9 state operating budget to which funds will be or have been allocated, along with the rate increases
10 that will be provided from the funds appropriated:

11 I. \$4,677,979 in the fiscal year ending June 30, 2024 and \$9,355,958 in the fiscal year ending
12 June 30, 2025 for the purpose of increasing rates paid to nursing homes.

13 II. \$2,154,309 in the fiscal year ending June 30, 2024 and \$4,308,618 in the fiscal year
14 ending June 30, 2025 for the purpose of increasing rates for all Choices for Independence providers
15 not provided rate increases elsewhere in this section.

16 III. \$708,678 in the fiscal year ending June 30, 2024 and \$1,417,355 in the fiscal year ending
17 June 30, 2025 for the purpose of increasing rates paid to assisted living facilities.

18 IV. \$483,000 in the fiscal year ending June 30, 2024 and \$966,000 in the fiscal year ending
19 June 30, 2025 for the purpose of increasing rates paid to home health aides.

20 V. \$70,691 in the fiscal year ending June 30, 2024 and \$141,382 in the fiscal year ending
21 June 30, 2025 for the purpose of increasing rates for home delivered meals paid to Meals on Wheels
22 providers.

23 VI. \$736,954 in the fiscal year ending June 30, 2024 and \$1,473,908 in the fiscal year ending
24 June 30, 2025 for the purpose of increasing rates for private duty nursing providers.

25 VII. \$169,658 in the fiscal year ending June 30, 2024 and \$339,317 in the fiscal year ending
26 June 30, 2025 for the purpose of increasing rates paid for section 1915(c) waiver case management
27 services.

28 VIII. \$3,969,301 in the fiscal year ending June 30, 2024 and \$7,938,602 in the fiscal year
29 ending June 30, 2025 for the purpose of increasing rates and/or wages paid to providers of
30 community mental health services.

31 IX. \$623,848 in the fiscal year ending June 30, 2024 and \$1,247,697 in the fiscal year ending
32 June 30, 2025 for the purpose of increasing housing reimbursement rates for those receiving
33 community mental health services.

34 X. \$3,000,000 in the fiscal year ending June 30, 2024 and \$6,000,000 in the fiscal year
35 ending June 30, 2025 for the purpose of rebasing rates for community health centers to ensure that
36 Medicaid rates are sufficient to cover the cost of service provision.

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1 XI. \$1,133,707 in the fiscal year ending June 30, 2024 and \$2,267,415 in the fiscal year
2 ending June 30, 2025 for the purpose of bringing Medicaid rates for community health centers up to
3 the levels of Medicare reimbursement.

4 XII. \$8,221,367 in the fiscal year ending June 30, 2024 and \$16,442,733 in the fiscal year
5 ending June 30, 2025 for the purpose of increasing rates paid to providers of early supports and
6 services, developmental services, acquired brain disorder services, and children's in-home support
7 services.

8 XIII. \$1,374,940 in the fiscal year ending June 30, 2024 and \$2,749,881 in the fiscal year
9 ending June 30, 2025 for the purpose of increasing rates paid to providers of opioid treatment
10 programs. Said amounts are intended to cover the cost of rate increases for both the traditional
11 Medicaid population and granite advantage program population.

12 XIV. \$113,106 in the fiscal year ending June 30, 2024 and \$226,211 in the fiscal year ending
13 June 30, 2025 for the purpose of increasing rates paid to residential treatment providers serving
14 those experiencing substance use disorders.

15 XV. \$169,858 in the fiscal year ending June 30, 2024 and \$339,317 in the fiscal year ending
16 June 30, 2025 for the purpose of increasing rates paid to providers of medication assisted treatment
17 for those experiencing substance use disorders.

18 XVI. \$255,371 in the fiscal year ending June 30, 2024 and \$510,743 in the fiscal year ending
19 June 30, 2025 for the purpose of increasing rates paid to providers of outpatient services for those
20 experiencing substance use disorders.

21 XVII. \$50,000 in the fiscal year ending June 30, 2024 and \$100,000 in the fiscal year ending
22 June 30, 2025 for the purpose of increasing rates paid to midwives providing Medicaid births in
23 nonhospital environments.

24 XVIII. \$125,000 in the fiscal year ending June 30, 2024 and \$250,000 in the fiscal year
25 ending June 30, 2025 for the purpose of increasing rates paid to birthing centers.

26 XIX. \$1,944,003 in the fiscal year ending June 30, 2024 and \$3,888,007 in the fiscal year
27 ending June 30, 2025 for the purpose of increasing rates paid for providers of ambulance/EMT
28 services. Notwithstanding any other provisions, the rates for the following ambulance codes shall be
29 as follows:

| Ambulance Codes | Rate |
|-----------------|-------|
| A0425 | 13.00 |
| A0427 | 700 |
| A0428 | 325 |
| A0429 | 450 |

35 If the department determines that the appropriations contained in this paragraph are insufficient
36 to set rates at the specified levels, it may delay implementation until such time as the rate increases
37 can be provided.

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1 XX. \$1,500,000 in the fiscal year ending June 30, 2024 and \$3,000,000 in the fiscal year
2 ending June 30, 2025 for the purpose of increasing rates for state plan personal care assistant
3 services.

4 XXI. \$15,740,786 in fiscal year 2024 for the purpose of increasing any of the rates in this
5 section prior to January 1, 2024, if feasible, where the department has given priority to those
6 increases the commissioner has deemed most critical.

7 232 Department of Health and Human Services; Adult Medical Day Services. The department
8 of health and human services shall reimburse all adult medical day services at the same payment
9 rate irrespective of whether the service is covered under the Choices for Independence waiver or the
10 Medicaid state plan.

11 233 Repeals; Department of Business and Economic Affairs. The following are hereby repealed:

12 I. RSA 12-O:46 through 12-O:50, relative to the New Hampshire college graduate retention
13 incentive partnership (NH GRIP).

14 II. RSA 12-O:64, relative to the COVID-19 micro enterprise relief fund.

15 III. RSA 6:12,I(b)(365), relative to the COVID-19 micro enterprise relief fund.

16 IV. RSA 12-O:19, relative to the package plan program.

17 234 Department of Business and Economic Affairs; Bureaus. Amend RSA 12-O:2, I to read as
18 follows:

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

27 235 Workforce Development. Amend RSA 12-O:42 to read as follows:

28 12-O:42 Workforce Development. The commissioner of business and economic affairs shall work
29 with the [~~workforce development~~] director ***of the office of workforce opportunity*** to plan, develop,
30 and administer workforce investment activities, programs, and grants under the federal ***Workforce***
31 ***Innovation and Opportunity Act of 2014*** [~~Workforce Investment Act of 1998, 29 U.S.C. section~~
32 ~~2801 et seq.~~], as such may be amended, reauthorized, and in effect from time to time, and shall
33 discharge the day-to-day operational responsibilities and obligations of the State Workforce
34 Innovation Board established under RSA 12-O:44. The commissioner shall coordinate with the State
35 Workforce Innovation Board to promote state and local investment systems that increase the
36 employment, retention, and earnings of participants, and increase occupational skill attainment by

1 participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and
2 enhance the productivity and competitiveness of the nation.

3 236 Workforce Development Director. Amend RSA 12-O:43 to read as follows:

4 12-O:43 Workforce Development Director. There is established within the ~~[bureau]~~ **office** of
5 workforce ~~[development]~~ **opportunity** the position of ~~[workforce development coordinator]~~ **director**,
6 which shall be an administrator ~~[H]~~ **IV** position, classified at labor grade ~~[29]~~ **33**. The ~~[workforce~~
7 ~~development]~~ director shall lead the **office of workforce opportunity** ~~[workforce development~~
8 ~~bureau]~~. The ~~[workforce development]~~ director shall perform all duties which the commissioner may
9 assign.

10 237 State Workforce Innovation Board; Duties Removed. RSA 12-O:44 is repealed and
11 reenacted to read as follows:

12 12-O:44 State Workforce Innovation Board.

13 I. There is established a State Workforce Innovation Board within the **Office of Workforce**
14 **Opportunity**.

15 II. Membership of the **board** shall be as set forth in **the Workforce Innovation and**
16 **Opportunity Act of 2014** as such may be amended, reauthorized, and in effect from time to time.
17 Members of the board shall be appointed by the governor and shall serve at the pleasure of the
18 governor. The governor shall select a chairperson for the board from among the members of the
19 board.

20 III. The board shall meet no less frequently than semi-annually, shall have the powers and
21 responsibilities of the state workforce investment board under the **Workforce Innovation and**
22 **Opportunity Act of 2014**.

23 238 Broadband Infrastructure Bonds. Amend RSA 33:3-g, IV to read as follows:

24 IV. The ~~[office of planning and development]~~ **department of business and economic**
25 **affairs** shall maintain a list by town of all providers interested in receiving requests for information.
26 The list shall include physical and electronic address information for interested providers and shall
27 be updated as needed, but at least annually. For purposes of issuing requests for information
28 pursuant to paragraph III, a municipality, county, or communications district shall reference the
29 interested provider list maintained by the ~~[office of planning and development]~~ **department** and
30 shall issue requests for information to all interested providers in that municipality, county, or
31 communications district, both electronically and by United States mail.

32 239 Tax on Meals and Rooms; Population Figures. Amend RSA 78-A:25, III to read as follows:

33 III. On or before April 30 of each year, the office of planning and development shall notify
34 the chief administrative officer in each community of all the data components which will be used as
35 the basis for the estimate of population. Municipalities believing that such data components are
36 incorrect shall file their specific objections and evidence in support thereof with the office of planning
37 and development on or before May 30 of the same year. After due consideration of such evidence, the

1 director of ~~[energy and planning]~~ **the office of planning and development** shall determine the
2 final components and resulting estimates.

3 240 Reference Deleted. Amend RSA 126-A:4, V(b)(1) to read as follows:

4 (1) May request and shall receive the assistance of all other state agencies, including
5 ~~[the office of planning and development, and]~~ the departments of transportation, administrative
6 services, and business and economic affairs.

7 241 Agricultural Advisory Board. Amend RSA 425:23 to read as follows:

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

24 242 Assistant Deputy Medical Examiners. Amend RSA 611-B:5 to read as follows:

25 611-B:5 Assistant Deputy Medical Examiners. The chief medical examiner shall ~~[appoint]~~
26 **employ** assistant deputy medical examiners to perform the duties of medical examiner under this
27 chapter. Assistant deputy medical examiners shall serve without geographic restriction. An
28 assistant deputy medical examiner shall be a person educated in the science of medicine and shall
29 serve under the direction and supervision of the chief medical examiner. An assistant deputy
30 medical examiner shall possess all the powers granted to medical examiners under this chapter and
31 be sworn in the same manner. Assistant deputy medical examiners shall **be appointed by the**
32 **attorney general pursuant to RSA 21-M:3, XIV and shall** serve at the pleasure of the chief
33 medical examiner.

34 243 Department of Justice; Assistant Deputy Medical Examiners Established. There is
35 established within the department of justice unclassified positions of assistant deputy medical
36 examiners. The assistant deputy medical examiners shall be qualified to hold the position by reason
37 of education and experience and shall be appointed to serve at the pleasure of the chief medical

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1 examiner pursuant to RSA 611-B:5. The salary of the assistant deputy medical examiners shall be
2 determined after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I
3 for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be
4 appropriated from expenditure class 014 within accounting unit 02-20-20-202010-1037.

5 244 New Paragraphs; Department of Justice; Permanent Assistant Deputy Medical Examiners;
6 Deputy Chief Forensic Investigator. Amend RSA 21-M:3 by inserting, after paragraph XIII, the
7 following new paragraphs:

8 XIV. The attorney general, subject to the approval of the governor and council, may appoint
9 permanent assistant deputy medical examiners within the limits of the appropriation made for the
10 appointment, each of whom shall serve at the pleasure of the chief medical examiner pursuant to
11 RSA 611-B:5.

12 XV. The attorney general, subject to the approval of the governor and council, may appoint a
13 permanent chief forensic investigator and/or a deputy chief forensic investigator, within the limits of
14 the appropriation made for the appointment, who shall hold office for a term of 5 years. Any vacancy
15 in such position may be filled for the unexpired term. The chief forensic investigator and deputy
16 chief forensic investigator may be removed only as provided by RSA 4:1.

17 245 Department of Justice; Planning Analyst/Data Systems; Reclassified and Established;
18 Deputy Chief Forensic Investigator. The planning analyst/data systems position number 9T3175,
19 within the department of justice shall be designated as an unclassified position. There is established
20 within the department of justice an unclassified position of deputy chief forensic investigator. The
21 deputy chief forensic investigator shall be qualified to hold the position by reason of education and
22 experience and shall be appointed to serve for a term of 5 years. The salary of the deputy chief
23 forensic investigator shall be determined after assessment and review of the appropriate letter grade
24 allocation in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA
25 14:14-c. Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-
26 202010-1033. Upon completion of this action and appointments to the unclassified position,
27 classified position number 9T3175 shall be abolished to allow for the transition of the available
28 appropriations to the unclassified position. Funding shall be transferred into the proper unclassified
29 expenditure class in the chief medical examiner general accounting unit. The incumbent in the
30 abolished classified position shall be offered the opportunity to seek the attorney general's
31 nomination for the unclassified deputy chief forensic investigator position.

32 246 Chief Medical Examiner; Reference Deleted. Amend RSA 611-B:10 to read as follows:

33 611-B:10 Administrative and Technical Assistance. The chief medical examiner may employ
34 adequate administrative, clerical, and technical assistants to carry out the purposes of this chapter[;
35 ~~all of whom shall be in the classified service of the state~~].

36 247 Office of the Solicitor General. Amend RSA 21-M:12-a, I to read as follows:

1 I. There is established ~~in~~ **within** the ~~[division of legal counsel]~~ **department** an office of the
2 solicitor general. The office shall be supervised by the solicitor general who shall be a senior
3 assistant attorney general appointed by the attorney general in accordance with the provisions of
4 RSA 21-M:3, and who shall carry out the duties imposed by the section under the supervision of the
5 attorney general and perform such other work as the attorney general may assign. The attorney
6 general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-
7 M:3 and such support staff as may be necessary to carry out the provisions of this section within the
8 limits of the appropriations made for the ~~[office]~~ **department**.

9 248 Division of Legal Counsel. Amend RSA 21-M:7, II to read as follows:

10 II. The division of legal counsel shall consist of the following units:

11 (a) A bureau of civil law.

12 (b) A ~~[transportation and construction]~~ **public safety and infrastructure** bureau.

13 ~~[(c) An office of the solicitor general.]~~

14 249 Department of Justice; Name Change; Public Safety and Infrastructure Bureau. Amend the
15 section heading of RSA 21-M:12 and RSA 21-M:12, I to read as follows:

16 21-M:12 ~~[Transportation and Construction]~~ **Public Safety and Infrastructure Bureau**.

17 I. There is established in the division of legal counsel a bureau of ~~[transportation and~~
18 ~~construction]~~ **public safety and infrastructure**. The bureau shall be supervised by a senior
19 assistant attorney general who shall be appointed by the attorney general in accordance with the
20 provisions of RSA 21-M:3 and who shall carry out the duties imposed by this section under the
21 supervision of the attorney general and do such other work as the attorney general may assign. The
22 attorney general shall appoint such other assistant attorneys general pursuant to the provisions of
23 RSA 21-M:3 and such additional clerical, stenographic, and other staff as may be necessary to carry
24 out the provisions of this section within the limits of the appropriations made for the bureau.

25 250 Department of Justice; Positions Transferred. The attorney general shall transfer national
26 violent death reporting system positions 9T2789 and 9T2644 to the department of health and human
27 services effective July 1, 2023. The department of justice appropriation 02-20-20-20-201510-
28 59390000, national violent death reporting system, shall be repealed effective September 30, 2023.

29 251 New Section; Charitable Trusts. Amend RSA 7 by inserting after section 28-f the following
30 new section:

31 7-28-g Handling Charges. If the attorney general collects a fee electronically for any
32 registration, any annual report, any notice, any document, or any other purpose related to the duties
33 of the director of charitable trusts, the attorney general shall collect a handling charge for each fee
34 paid electronically. The amount of the handling charge shall be equal to the amount charged to the
35 attorney general for processing the fee by credit card, electronic check, or other electronic means.

36 252 Charitable Trusts; Investigations. Amend RSA 7:24 to read as follows:

1 7:24 Investigation. The attorney general may investigate at any time charitable trusts,
2 charitable solicitations, and charitable sales promotions for the purpose of determining and
3 ascertaining whether they are administered in accordance with law and with the terms and
4 purposes thereof. For the purposes of such investigation the attorney general may require any
5 person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency
6 administering a trust, charitable solicitation, or charitable sales promotion or having an interest
7 therein, or knowledge thereof, to appear [~~at the state house~~] at such time and place as the attorney
8 general may designate then and there under oath to produce for the use of the attorney general any
9 and all books, memoranda, papers of whatever kind, documents of title or other evidence of assets or
10 liabilities which may be in the ownership or possession or control of such person, agent, trustee,
11 fiduciary, beneficiary, institution, association, corporation, or political agency and to furnish such
12 other available information relating to said trust, charitable solicitation, or charitable sales
13 promotion as the attorney general may require.

14 253 Victim Assistance Programs. Amend RSA 21-M:8-i, IV to read as follows:

15 IV. No more than [~~15~~] **30** percent of the money in the victims' assistance fund shall be used
16 by the attorney general for the costs of administration of the victims' assistance fund and the
17 administrative costs of the victims' assistance commission.

18 254 New Hampshire Retirement System. Administration of Benefit Payments to Existing
19 Beneficiaries; Appropriation.

20 I. For each person receiving an annual allowance under the former RSA 100-A:19 as of the
21 effective date of this section, the retirement system shall continue to pay the annual allowance to
22 each such person as had been provided under RSA 100-A:19 prior to its repeal in 2014.

23 II. There hereby is appropriated the amount of \$40,000 to fund the benefit for the remaining
24 surviving beneficiaries. The governor is hereby authorized to draw a warrant for said sum out of any
25 money in the treasury not otherwise appropriated. Such amount shall be transferred from the
26 state's general fund to the New Hampshire retirement system, which shall maintain such funds in a
27 segregated account exclusively for payment of the call firefighter benefits.

28 III. The New Hampshire retirement system shall be reimbursed from available funds a
29 reasonable annual fee for administration of the benefit until payments under paragraph I have
30 terminated.

31 IV. Funds shall be nonlapsing until termination of all benefit payments under paragraph I
32 and any remaining funds held by the New Hampshire retirement system in this segregated account
33 at that time, shall be returned to the state's general fund.

34 255 Business Finance Authority; Unified Contingent Credit Limit Increased. Amend RSA 162-
35 A:22 to read as follows:

36 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
37 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17, and

1 RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that
2 such amount shall be increased to \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus
3 interest on January 1, 1994, and to \$115,000,000 plus interest on May 1, 2015, **and to \$200,000,000**
4 **plus interest on June 1, 2023.**

5 256 Assessing Certification Board; Rulemaking and Implementation. To reduce workforce
6 barriers and provide state supervision over regulatory bodies comprised of active market
7 participants, the responsibility for implementation of RSA 310-C, relative to assessing standards,
8 shall be transferred to the executive director of the office of professional licensure and certification
9 effective September 1, 2023. The executive director shall consult with the assessing certification
10 advisory board when implementing RSA 310-C. Rules in effect upon the effective date of this section
11 shall remain in effect until repealed by the executive director of the office of professional licensure
12 and certification or until the rules expire, whichever occurs first.

13 257 Assessing Certification Board; Advisory Board Established. RSA 310-C:1 is repealed and
14 reenacted to read as follows:

15 310-C:1 Assessing Certification Advisory Board.

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

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

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

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

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

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

28 258 Assessing Certification Board; Rulemaking Authority. Amend the introductory paragraph
29 of RSA 310-C:17, I to read as follows:

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

32 259 Assessing Certification Board Repeal. The following are repealed:

33 I. RSA 310-C:9, relative to the term of certification.

34 II. RSA 310-C:12, I, relative to the assessing certificate.

35 III. RSA 310-C:13, relative to disciplinary proceedings.

36 IV. RSA 310-C:14, relative to hearings and investigations.

37 V. RSA 310-C:16, relative to summons and oaths.

1 260 Repeal. RSA 332-J, relative to athlete agents, is repealed.

2 261 Repeal. RSA 311-B:2, III and IV, relative to the members of the state board of auctioneers,
3 is repealed.

4 262 Auctioneers; State Board of Auctioneers; Transfer. To promote efficiency and economy,
5 eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate
6 customer service, the responsibility for administration of the state board of auctioneers shall be
7 transferred to the office of professional licensure and certification effective September 1, 2023.

8 263 Auctioneers; Rulemaking Authority. RSA 311-B:3 is repealed and reenacted to read as
9 follows:

10 311-B:3 Rulemaking Authority.

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

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

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

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

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

21 III.

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

23 (a) Required maintenance of competence including requirements for continuing
24 education;

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

26 (c) Standards governing auctioneering apprenticeships.

27 264 Auctioneers; Qualifications; Application. Amend RSA 311-B:5 to read as follows:

28 311-B:5 Qualifications; Application. The ~~[board]~~ **executive director** shall grant licensure to
29 any applicant who:

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

31 II. Submits professional references or recommendations that comply with other standards
32 specified by rule, certifying that the applicant is trustworthy and competent to auction real,
33 personal, and mixed property in such a manner as to safeguard the interests of the public. Each
34 such recommendation shall set forth the writer's name, address, and occupation, the extent of the
35 writer's acquaintanceship with the applicant, the writer's familiarity with the applicant's past
36 business experience and dealings, and any additional knowledge of the applicant's background upon
37 which the writer bases the recommendation;

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1 III. Pays the initial licensure fee;

2 IV. [Repealed.]

3 V. Has good professional character;

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

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

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

9 265 Auctioneers; Repeals. The following are repealed:

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

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

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

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

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

15 266 Auctioneers; Disposition of Revenue. Amend RSA 311-B:14 to read as follows:

16 311-B:14 Disposition of Revenue. All moneys collected under this chapter shall be paid into the
17 [~~general fund and are appropriated therefrom to the secretary of state for the purpose of carrying out~~
18 ~~the provisions of this chapter~~] **office of professional licensure and certification fund.**

19 267 Allied Health Professionals; Governing Boards Established. Amend RSA 328-F:3 as follows:

20 328-F:3 Governing Boards Established[; ~~Board of Directors; Office of Licensed Allied Health~~
21 ~~Professionals~~].

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

28 [~~H~~] ~~The governing boards' chairpersons or their appointees shall make up the board of~~
29 ~~directors of the office of licensed allied health professionals. The board of directors shall have the~~
30 ~~authority to delegate to the person in the supervisory position matters of administrative and~~
31 ~~personnel management.~~

32 [~~I~~] ~~There shall be an office of licensed allied health professionals established in Concord~~
33 ~~within the office of professional licensure and certification.]~~

34 268 Allied Health Professionals; Completion of Survey; Rulemaking. Amend RSA 328-F:11-a as
35 follows:

36 328-F:11-a Completion of Survey; Rulemaking. The ***governing*** board shall adopt rules,
37 pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a

1 survey or opt-out form provided by the office of rural health, department of health and human
2 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
3 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
4 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
5 survey.

6 269 Allied Health Professionals; Criminal History Record Checks. Amend RSA 328-F:18-a as
7 follows:

8 328-F:18-a Criminal History Record Checks.

9 I. The ~~[board of directors]~~ ***governing boards*** shall require ~~[one of the following types of~~
10 ~~criminal background checks]~~ from applicants for initial licensure or certification, reinstatement of
11 licensure or certification, or conditional licensure or certification[~~]:~~

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

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

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

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

30 II. The office of ~~[licensed allied health professionals]~~ ***professional licensure and***
31 ***certification*** shall review the criminal record information prior to the respective governing board
32 making a decision on licensure or certification and shall maintain the confidentiality of all criminal
33 history records received pursuant to this section.

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

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

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

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

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

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

11 270 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II to read as
12 follows:

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

17 271 Repeals; Allied Health. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 272 Boxing and Wrestling Commission; Transfer. To promote efficiency and economy, reduce
4 administrative costs, and facilitate customer service, the responsibility for administration of the
5 boxing and wrestling commission shall be transferred to the office of professional licensure and
6 certification effective September 1, 2023.

7 273 Boxing and Wrestling Commission; Members; Removal; Conflicts of Interest. Amend RSA
8 285:3, I as follows:

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

13 274 Boxing and Wrestling Commission; Establishment of Commission. Amend RSA 285:7 as
14 follows:

15 285:7 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

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

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

22 ~~∇] IV. Promoters' bonds; and~~

23 ~~[∇] V. Insurance coverage required by the commission.~~

24 275 Office of Professional Licensure and Certification; Boxing and Wrestling Commission;
25 Cooperation With Amateur Local Boxing Committee Required. Amend RSA 285:9-a, VI as follows:

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

28 276 Boxing and Wrestling Commission; Licenses Required. Amend RSA 285:11 as follows:

29 285:11 Licenses Required. No person shall participate in a professional fighting sports
30 competition as a contestant, manager, referee, judge, second or timekeeper without a license from
31 the commission. ~~[The fee for all licenses issued by the commission shall be \$20. Licenses granted by
32 the commission shall be valid for one year from the date of issue unless revoked or suspended by the
33 commission. The commission shall, upon application, renew any license unless good cause is shown
34 that the license should not be renewed. The fee for all license renewals issued by the commission
35 shall be \$20.]~~

36 277 Boxing and Wrestling Commission; Suspension or Revocation; Appeals. Amend RSA 285:12
37 as follows:

1 285:12 Suspension or Revocation; Appeals.

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

3 [~~II. Rehearings and appeals from any decision of the commission shall be in accordance with~~
4 ~~RSA 541.~~]

5 278 Office of Professional Licensure and Certification; Boxing and Wrestling Commission;
6 Permit and License Fees; Amateur Cards. Amend RSA 285:14, II as follows:

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

12 279 Boxing and Wrestling Commission; Deputy Inspectors. Amend RSA 285:19 as follows:

13 285:19 Deputy Inspectors. A member of the commission is not required to be present at all
14 fighting sports competitions. If a member of the commission is not present at a fighting sports
15 competition held under this chapter, the commission shall appoint a deputy inspector who shall, for
16 the duration of the contest, have the full duties and powers of a member of the commission. Deputy
17 inspectors shall be entitled to compensation as the commission, **with the approval of the**
18 **executive director**, may deem proper.

19 280 Repeals; Boxing and Wrestling Commission. The following are repealed:

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

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

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

24 281 Electricians; Definitions. Amend RSA 319-C:2, IV as follows:

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

29 282 Electricians; Inspectors. Amend RSA 319-C:5, I as follows:

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

34 283 Electricians; Licensing Requirements. Amend RSA 319-C:7, II, as follows:

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

37 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may

1 give credit toward such service for the satisfactory completion of a course of instruction in the field
2 at a school recognized by the board ***or experience in the field received in military service, in***
3 ***accordance with rules adopted by RSA 541-A***; and

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

6 284 Repeals. The following are repealed:

- 7 I. RSA 319-C:6-a, VI, relative to electricians rulemaking for investigations.
- 8 II. RSA 319-C:6-a, VII, relative to electricians procedural rules for hearings.
- 9 III. RSA 319-C:6-b, relative to electricians fees.
- 10 IV. RSA 319-C:9, relative to electricians renewal of licenses.
- 11 V. RSA 319-C:10, relative to electricians corporations and partnerships.
- 12 VI. RSA 319-C:12, relative to electricians disciplinary action.
- 13 VII. RSA 319-C:12-a, relative to electricians hearings.
- 14 VIII. RSA 319-C:12-b, relative to electricians appeals.
- 15 IX. RSA 319-C:14, relative to electrician nonresidents.

16 285 Genetic Counselors; Provisional License. Amend RSA 326-K:4 to read as follows:

17 326-K:4 Provisional License.

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

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

- 24 (a) Issuance of a full license;
- 25 (b) Thirty days after the applicant fails to pass the certification examination; or
- 26 (c) Two years from the issuance of a provisional license.

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

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

33 V. The [~~board~~] ***office*** is authorized to issue conditional provisional licenses in accordance
34 with ***governing board*** rules adopted pursuant to RSA 541-A.

35 286 Genetic Counselors; Prohibition on Unlicensed Practice. Amend RSA 326-K:5, I to read as
36 follows:

- 37 I. No person shall practice or represent himself or herself as a genetic counselor in this state

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1 without first applying for and receiving a license or provisional license from the ~~board~~ **office** to
2 practice as a licensed genetic counselor.

3 287 Genetic Counselors; Privileged Communications. Amend RSA 326-K:8, II to read as follows:

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

7 288 Repeal; Genetic Counselors. RSA 326-K:6, relative to reciprocity is repealed.

8 289 Hawkers and Peddlers; Repeal. RSA 320, relative to hawkers and peddlers, is repealed.

9 290 Itinerant Vendors; Repeal. RSA 321, relative to itinerant vendors, is repealed.

10 291 Board of Manufactured Housing; Repeals. The following are repealed:

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

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

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

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

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

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

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

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

19 292 State Board of Fire Control; Mechanical Licensing Board. Amend RSA 153:27-a to read as
20 follows:

21 153:27-a Mechanical Licensing Board. There is hereby established as a unit within the office of
22 professional licensure and certification. The term of office for the members appointed to the board
23 shall be 3 years and until a successor is appointed. The initial appointed members of the board shall
24 serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms.
25 No member of the board shall be appointed to more than 2 consecutive terms. ~~[A member of the~~
26 ~~board shall serve as the board secretary.]~~

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

30 (b) A public member of the board shall be a person who is not, and never was, a member
31 of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have,
32 and never has had, a material financial interest in either the provision of plumbing and/or fuel gas
33 services or an activity directly related to plumbing and/or fuel gas, including the representation of
34 the board or trade for a fee at any time during the 5 years preceding appointment.

35 II. The board shall:

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

37 (b) ~~[Implement the licensing program under this subdivision.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 293 State Board of Fire Control; Mechanical Licensing Board; Repeals. The following are
31 repealed:

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

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

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

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

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

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

1 294 Pharmacy; Board. Amend RSA 318:2 to read as follows:

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

8 295 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IX to read as follows:

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

10 296 Repeal; Pharmacy Rulemaking. The following are repealed:

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

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

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

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

19 297 Pharmacy Inspectional Services. Amend RSA 318:9-a to read as follows:

20 318:9-a Inspectional Services. The [~~pharmacy board through the~~] office of professional licensure
21 and certification shall provide inspectional services under this chapter and RSA 318-B:25 to the
22 board of medicine, the board of veterinary medicine, the board of podiatry, the board of registration
23 in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of
24 examiners. Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians
25 licensed by the New Hampshire board of pharmacy who have training and experience regarding
26 pharmacy statutes and rules.

27 298 Pharmacy; Pharmacy Interns. Amend RSA 318:15-b to read as follows:

28 318:15-b Pharmacy Interns. No person shall perform the functions or duties of a pharmacy
29 intern unless such person is registered by the [~~board~~] **office of professional licensure and**
30 **certification** to perform certain functions, and does so under standards of supervision established
31 by rules of the board adopted pursuant to RSA 541-A.

32 299 Pharmacy Examinations and Licenses; Pharmacists. Amend RSA 318:18, I(b)(3) to read as
33 follows:

34 (3) File proof satisfactory to the [~~board~~] **office of professional licensure and**
35 **certification**, substantiated by proper affidavits, of a minimum of one year (1,500 hours) internship
36 activity in a community or institutional pharmacy in the United States or Canada or an equivalent
37 program which has been approved by the board of pharmacy; and shall pass the national

1 examination administered by the National Association of Boards of Pharmacy (NABP) to establish
2 his or her fitness to practice the profession of pharmacy. The internship required in this section
3 shall be service and experience in a community or institutional pharmacy under the supervision of a
4 licensed pharmacist and shall be predominantly related to the selling of drugs and medical supplies;
5 interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical
6 products; keeping records and making reports required under federal and state statutes; and
7 otherwise practicing pharmacy under the immediate supervision and direction of a licensed
8 pharmacist.

9 300 Pharmacists; Examinations and Licenses; Pharmacists. Amend RSA 318:18, II to read as
10 follows:

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

15 301 Pharmacy; Change in Name, Employment, or Residence. Amend RSA 318:26-a to read as
16 follows:

17 318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced
18 pharmacy technician, or pharmacy technician who changes his or her name, place or status of
19 employment, or residence shall notify the ~~[board]~~ **office of professional licensure and**
20 **certification** in writing within 15 days. For failure to report such a change within 15 days, the
21 board may suspend the pharmacist's license, the advanced pharmacy technician's license, or the
22 pharmacy technician's registration. Reinstatement shall be made only upon payment of a
23 reasonable fee as established by the board.

24 302 Pharmacy; Impaired Pharmacist Program. Amend RSA 318:29-a to read as follows:

25 318:29-a Impaired Pharmacist Program.

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

30 II. Any committee of a professional society comprised primarily of pharmacists, its staff, or
31 any district or local intervenor participating in a program established to aid pharmacists impaired
32 by substance abuse or mental or physical illness may report in writing to the board **or office of**
33 **professional licensure and certification** the name of the impaired pharmacist together with the
34 pertinent information relating to his impairment. The board **or office of professional licensure**
35 **and certification** may report to any committee of such professional society or the society's
36 designated staff information which it may receive with regard to any pharmacist who may be
37 impaired by substance abuse or mental or physical illness.

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

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

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

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

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

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

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

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

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

30 303 Pharmacy; Required; Compliance. Amend RSA 318:37 to read as follows:

31 318:37 Required; Compliance.

32 I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and
33 medicines unless such pharmacy is registered with and a permit therefor has been issued by the
34 **office of professional licensure and certification in accordance with rules adopted by the**
35 pharmacy board, except as provided in this chapter.

36 II.(a) No person shall conduct or operate a mail-order pharmacy located outside of this state
37 by shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is

1 registered in New Hampshire and a permit has been issued by the New Hampshire pharmacy board.

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

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

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

8 (3) Pay all appropriate registration fees;

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

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

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

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

30 (e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state
31 that licenses and regulates mail-order pharmacies for the purpose of investigating complaints
32 against pharmacies located in New Hampshire or the sharing of information and investigative
33 reports, as long as the other state shall extend the same reciprocal cooperation to the New
34 Hampshire pharmacy board.

35 304 Pharmacy; Licensing of Limited Retail Drug Distributors Required. Amend RSA 318:51-b, I
36 to read as follows:

37 I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-

1 a, without first having obtained a license to do so from the [~~board. Such license shall expire~~
2 ~~biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as~~
3 ~~established by the board shall be filed biennially by midnight June 15 of every odd-numbered year.]~~
4 ***office of professional licensure and certification according to the eligibility requirements***
5 ***set forth in rule by the pharmacy board.***

6 305 Pharmacy; Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the
7 United States Food and Drug Administration. Amend RSA 318:51-c, I-II to read as follows:

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

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

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

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

21 306 Pharmacy; Licensure of Research Organizations. Amend RSA 318:51-f, I-II to read as
22 follows:

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

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

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

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

35 307 Pharmacy; Licensure of Drug or Device Distribution Agents. Amend RSA 318:51-g, I to
36 read as follows:

37 I. No person shall act as a prescription drug or device distribution agent, which includes

1 controlled drugs as the term is defined in RSA 318-B:1, VI, without first having obtained a license to
2 do so from the *office of professional licensure and certification according to the eligibility*
3 *requirements set forth in rule by the pharmacy* board.

4 308 Repeal; Pharmacists. The following are repealed:

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

28 309 Physical Therapy; Powers and Duties. RSA 328-A:3 is repealed and reenacted to read as
29 follows:

30 328-A:3 Powers and Duties of the Board. The board shall:

31 I. Provide for the examinations for physical therapists and physical therapist assistants and
32 adopt passing scores for these examinations.

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

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

35 Terms of office shall be one year.

36 310 Physical Therapy; Rulemaking. Amend RSA 328-A:4, VIII to read as follows:

37 VIII. Regarding the establishment, criteria, [fees,] and renewal of, and disciplinary

1 proceedings for certified animal physical therapists under RSA 328-A:15-b.

2 311 Physical Therapy; Examination. Amend RSA 328-A:7, I to read as follows:

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

6 312 Repeals; Physical Therapy. The following are repealed:

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

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

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

10 313 State Licensed or Certified Real Estate Appraisers; Real Estate Appraiser Board. Amend
11 RSA 310-B:4 as follows:

12 310-B:4 Real Estate Appraiser Board.

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

17 (a) Three real estate appraisers with a minimum of 5 years' experience, consisting of one
18 New Hampshire certified residential appraiser, one New Hampshire certified general appraiser, and
19 one New Hampshire certified appraiser who is a broker licensed under RSA 331-A; provided that no
20 2 appraiser members shall be members of the same private appraisal organization.

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

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

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

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

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

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

31 V. Upon expiration of their terms, members of the board shall continue to hold office until
32 the appointment and qualification of their successors. No person ~~[, except the executive director or~~
33 ~~designee,]~~ shall serve as a member of the board for more than 2 consecutive terms. The appointing
34 authority may remove a member for cause.

35 ~~[VI. The board shall meet at least once each calendar quarter to conduct its business and~~
36 ~~more often on call of the chair, or when the chair is requested to do so by 4 or more members of the~~
37 ~~board. The action of the majority of the members of the board present and voting shall be deemed~~

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1 ~~the action of the board, and at least 4 members shall be present and voting on every vote of the~~
2 ~~board. Places of future meetings shall be decided by the vote of members at meetings or, in the~~
3 ~~event of a special meeting, by the chair. Written notice shall be given by the chair to each member of~~
4 ~~the time and place of each meeting of the board at least 10 days in advance.]~~

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

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

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

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

16 314 State Licensed or Certified Real Estate Appraisers; Licensure or Certification Process.
17 Amend RSA 310-B:5 as follows:

18 310-B:5 Licensure or Certification Process.

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

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

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

29 315 State Licensed or Certified Real Estate Appraisers; Prohibited Conduct. Amend RSA 310-
30 B:5-a as follows:

31 310-B:5-a Prohibited Conduct. A person licensed or certified [~~by the board~~] under this chapter,
32 shall, after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being
33 convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery,
34 embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to
35 defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses;
36 provided that, for the purposes of this section being convicted shall include all instances in which a
37 plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the

1 sentence has been deferred or suspended.

2 316 State Licensed or Certified Real Estate Appraisers; Criminal History Records Checks.
3 Amend RSA 310-B:6-a as follows:

4 310-B:6-a Criminal History Record Checks.

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

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

17 III. Upon completion of the records check, the division of state police shall release copies of
18 the criminal history records to the ~~[board]~~ **office**. The ~~[board]~~ **office** shall maintain the
19 confidentiality of all criminal history records information received pursuant to this section.

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

21 317 State Licensed or Certified Real Estate Appraisers; Examination Prerequisites. Amend
22 RSA 310-B:8 as follows:

23 310-B:8 Examination Prerequisites.

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

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

36 III. As prerequisites to taking the examination for licensure as a licensed residential real
37 estate appraiser, an applicant shall present evidence~~[-satisfactory to the board,]~~ of having completed

1 the required classroom hours in subjects related to real estate appraisal, including instruction
2 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
3 approved by the board, *in accordance with rules adopted by the board pursuant to RSA 541-*
4 *A.*

5 318 State Licensed or Certified Real Estate Appraisers; Experience Requirements. Amend RSA
6 310-B:9, II as follows:

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

12 319 State Licensed or Certified Real Estate Appraisers; Registration of Appraisal Management
13 Companies. Amend RSA 310-B:12-b, I as follows:

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

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

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

25 320 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
26 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, I to read as follows:

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

29 321 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
30 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, III to read as follows:

31 III. Each appraisal management company seeking to be registered in this state shall certify
32 to the ~~[board]~~ *office* on an annual basis on a form prescribed by the ~~[board]~~ *office* that the appraisal
33 management company has systems in place to verify that:

34 322 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
35 Appraisal Review. Amend RSA 310-B:12-i as follows:

36 310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or
37 independent contractor to, an appraisal management company that performs a USPAP Standard 3

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1 review of an appraisal report on property located in this state shall be an appraiser with the proper
2 level of licensure issued by the [board] *office*. Quality control examinations are exempt from this
3 requirement as they are not considered a Standard 3 review.

4 323 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
5 Registration Number. Amend RSA 310-B:12-m as follows:

6 310-B:12-m Appraisal Management Company; Registration Number.

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

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

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

14 324 State Licensed or Certified Real Estate Appraisers; License or Certificate. Amend RSA 310-
15 B:16, I as follows:

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

18 325 State Licensed or Certified Real Estate Appraisers; Repeals. The following provisions of
19 RSA chapter 310-B are hereby repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 326 New Hampshire Real Estate Practice Act; Repeals. The following provisions of RSA chapter
37 331-A are hereby repealed:

- 1 I. RSA 331-A:7, II relative to fees.
- 2 II. RSA 331-A:7, IV, relative to fees.
- 3 III. RSA 331-A:7, V, relative to orders.
- 4 IV. RSA 331-A:12-a, relative to inactive license status.
- 5 V. RSA 331-A:15, relative to issuance of licenses.
- 6 VI. RSA 331-A:17, relative to license amendments.
- 7 VII. RSA 331-A:18, relative to lapse of license.
- 8 VIII. RSA 331-A:19, relative to renewal of license.
- 9 IX. RSA 331-A:24, relative to fees.
- 10 X. RSA 331-A:25, IV, relative to rulemaking regarding fees.
- 11 XI. RSA 331-A:25, VII, relative to license certificates.
- 12 XII. RSA 331-A:25, X, relative to procedures.
- 13 XIII. RSA 331-A:25, XI, relative to conduct of hearings.
- 14 XIV. RSA 331-A:25, XIII, relative to procedures for renewal licenses.
- 15 XV. RSA 331-A:28, relative to disciplinary actions.
- 16 XVI. RSA 331-A:29, relative to disciplinary procedures.
- 17 XVII. RSA 331-A:30, relative to hearing procedures.
- 18 XVIII. RSA 331-A:31, relative to payment by the state.
- 19 XIX. RSA 331-A:33, relative to immunity.
- 20 XX. RSA 331-A:34, relative to unlawful practice.
- 21 XXI. RSA 331-A:35, relative to prosecution.

22 327 Professional Bondsmen; Approval and Registration. Amend RSA 598-A:1, as follows:

23 598-A:1 Approval and Registration. *To promote efficiency and economy, eliminate*
24 *redundancies in licensure requirements, reduce administrative costs, and facilitate*
25 *customer service, the responsibility for registration of professional bondsmen shall be*
26 *transferred to the office of professional licensure and certification effective July 1, 2023.*

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

35 328 Professional Bondsmen; Fees. Amend RSA 598-A:1-a to read as follows:

36 598-A:1-a Fees.

37 ~~He~~ A person proposing to become bail or surety and registered as a professional bondsman

1 shall pay to the ~~[secretary of state or his designee]~~ ***executive director of the office of professional***
2 ***licensure and certification*** an initial application fee. ~~[of \$400;]~~ The fee shall be deposited in the
3 ~~[general fund by the state treasurer as unrestricted revenue]~~ ***office of professional licensure and***
4 ***certification fund.***

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

9 329 Professional Bondsmen; Revocation. Amend RSA 598-A:2 as follows:

10 598-A:2 Revocation. A person who has been accepted as bail or surety, contrary to the
11 provisions of this chapter, shall nevertheless be liable on his obligation as such bail or surety.
12 Approval and registration under this chapter may be revoked at any time by the ~~[secretary of state~~
13 ~~or his designee]~~ ***executive director of the office of professional licensure and certification*** and
14 shall be revoked in case such a bondsman fails for 30 days after demand to satisfy in full a judgment
15 recovered under RSA 597:33. The county attorney or prosecuting officer obtaining any such
16 judgment which is not satisfied in full within 30 days after demand shall immediately notify the
17 ~~[secretary of state or his designee]~~ ***executive director of the office of professional licensure and***
18 ***certification*** or ~~[his]~~ designee in writing.

19 330 Professional Bondsmen; List of Professional Bondsmen. Amend RSA 598-A:3, as follows:

20 598-A:3 List of Professional Bondsmen. The ~~[secretary of state or his designee]~~ ***executive***
21 ***director of the office of professional licensure and certification*** shall furnish all superior court
22 clerks, all district courts having authority to accept bail, all jails, and all police stations with a list of
23 the names of all persons registered as professional bondsmen and shall notify such clerks, courts,
24 jails, and police stations of any change in a bondsman's status. The ~~[secretary of state or his~~
25 ~~designee]~~ ***executive director of the office of professional licensure and certification*** shall
26 update the list as necessary, but not less than once per year. The list shall include the following
27 statement in bold type: "You are encouraged to contact more than one bail bondsman because not all
28 bail bondsmen charge the same fees or provide the same services." The unaltered list shall be
29 displayed prominently and visibly to defendants in all courts, jails, and police stations. No other list
30 shall be displayed, furnished, or provided

31 331 Professional Bondsmen; Rules. Amend RSA 598-A:4 as follows:

32 598-A:4 Rules of the ~~[Secretary of State or His Designee]~~ ***Executive Director.*** All professional
33 bondsmen shall be governed by rules which shall be adopted under RSA 541-A by the ~~[secretary of~~
34 ~~state or his designee]~~ ***executive director of the office of professional licensure and***
35 ***certification.***

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1 332 Refund of Fees; Repealed License Requirements. Any holder of an active license for a
2 profession whose license requirement is repealed by this act shall be refunded their license fee for
3 their current active license.

4 333 Effective Date. Sections 256-331 of this act shall take effect September 1, 2023.

5 334 Appropriation; New Hampshire Retirement System; Unfunded Accrued Liability. The sum
6 of \$50,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the New Hampshire
7 retirement system. Said appropriation shall be used by the New Hampshire retirement system to
8 pay down the unfunded accrued liability and shall not be used for any other purposes. The governor
9 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
10 appropriated.

11 335 New Section; Retirement System; Supplemental Allowance; Certain Group II Members.
12 Amend RSA 100-A by inserting after section 41-e the following new section:

13 100-A:41-f Supplemental Allowance; Group II.

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

22 (b) Any retired group II member of the New Hampshire retirement system or any of its
23 predecessor systems, who has been retired for at least 240 months, prior to or on July 1, 2023 or any
24 beneficiary of such member who is receiving an allowance, shall be entitled to receive a
25 supplemental allowance. The amount of the supplemental allowance shall be \$3,000, provided that
26 such supplemental allowance shall be reduced so that the total annual benefit of the member or
27 beneficiary shall not exceed \$100,000. A member or beneficiary whose annual retirement benefit is
28 \$100,000 or greater shall not receive any supplemental allowance.

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

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

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

4 336 Effective Date. Section 335 of this act shall take effect June 30, 2023.

5 337 Budget Trailer Bill; Transmission to the Legislature; Changes to Statutory Law. Amend
6 RSA 9:2-a to read as follows:

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

15 338 Department of Administrative Services; General Fund Appropriation Lapse; Report. For
16 the biennium ending June 30, 2025, the department of administrative services shall provide a report
17 to the fiscal committee of the general court on the current estimated general fund appropriation
18 lapse for each fiscal year. Said reports shall be due on the 15th day of December, February, April,
19 and June of each fiscal year.

20 339 Administrative Services; Public Works Design and Construction; Definition of Project.
21 Amend RSA 21-I:78, IX to read as follows:

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

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

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

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

36 340 Revenue Information Management System Account. Amend RSA 21-J:1-b, I to read as
37 follows:

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

11 341 New Section; Electronic Licensing, Certification, and Registration System; Department of
12 Agriculture, Markets, and Food. Amend RSA 425 by inserting after section 12 the following new
13 section:

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

24 342 Appropriation; Department of Agriculture, Markets, and Food; Electronic Licensing,
25 Certification, and Registration System. For the purpose of developing an electronic licensing,
26 certification, and registration system under RSA 425:12-a, there is hereby appropriated the sum of
27 \$360,000, for the fiscal year ending June 30, 2024, to the commissioner of the department of
28 agriculture, markets, and food. The governor is authorized to draw a warrant for said sum out of
29 any money in the treasury not otherwise appropriated.

30 343 Refuse Reduction; Disposal Prohibited. Amend the section heading of RSA 149-M:27 to read
31 as follows:

32 149-M:27 [~~Refuse Reduction~~] ***Disposal Prohibited.***

33 344 New Paragraph; Food Waste Disposal. Amend RSA 149-M:27 by inserting after paragraph
34 IV the following new paragraph:

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

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

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

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

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

8 (2) Consumption by humans;

9 (3) Consumption by animals;

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

11 (5) Energy recovery not involving combustion.

12 345 Definitions; Food Waste. Amend RSA 149-M:4, IX-a to read as follows:

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

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

20 346 Solid Waste; Definitions; Source Reduction. RSA 149-M:4, XXIV is repealed and reenacted
21 to read as follows:

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

25 347 Department of Environmental Services; New Position; Waste Management Specialist III.
26 There is established the position of Waste Management Specialist III to administer the provisions of
27 RSA 149-M:27, V.

28 348 Appropriation; FY 2025; Department of Environmental Services. The sum of \$98,000 for
29 the fiscal year ending June 30, 2025 is hereby appropriated to the department of environmental
30 services for the position established in this act. The governor is authorized to draw a warrant for
31 said sums out of any money in the treasury not otherwise appropriated.

32 349 Effective Date. Sections 343-348 of this act shall take effect January 1, 2024.

33 350 Definitions; PFAS Fund and Programs. Amend RSA 485-H:2, IV to read as follows:

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

36 351 Implementation of Drinking Water Protection Program; PFAS Response Fund. Amend RSA
37 485-H:3, III-IV to read as follows:

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

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

15 352 Implementation of Groundwater, Surface Water and Aquatic Life Protection; PFAS
16 Response Fund. Amend RSA 485-H:4, III-IV to read as follows:

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

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

31 353 New Subparagraph; Duties of the Department; PFAS Response. Amend RSA 485-H:8, I by
32 inserting after subparagraph (d) the following new subparagraphs:

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

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

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1 354 PFAS Response Fund Established. Amend RSA 485-H:10 to read as follows:

2 485-H:10 PFAS [~~Remediation Loan~~] **Response** Fund Established. There is hereby established
3 in the department the PFAS [~~remediation loan~~] **response** fund which shall be maintained [~~by the~~
4 ~~state treasurer in~~] **as** distinct and separate [~~eustody~~] from all other funds[~~, notwithstanding RSA~~
5 ~~6:12~~]. The [~~state treasurer may invest the~~] PFAS [~~remediation loan~~] **response** fund **shall be**
6 **invested** in accordance with RSA 6:8. Any earnings on PFAS [~~remediation loan~~] **response** fund
7 moneys shall be added to the PFAS [~~remediation loan~~] **response** fund. All moneys in the PFAS
8 [~~remediation loan~~] **response** fund shall be non-lapsing and shall be continually appropriated to the
9 department. The PFAS [~~remediation loan~~] **response** fund shall be used to fund **departmental**
10 **duties as outlined in RSA 485-H:8, including** loans, **grants**, and reimbursements in accordance
11 with this chapter. Funds from any bond proceeds, grants, loan repayments, legislative
12 appropriations, donations, and other funds related to the PFAS [~~remediation loan~~] **response** fund
13 shall be credited to the PFAS [~~remediation loan~~] **response** fund.

14 355 Application of Receipts; PFAS Response Fund. Amend RSA 6:12, I(b)(361) to read as
15 follows:

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

18 356 PFAS Response fund. Amend 2022, 326:10 to read as follows:

19 326:10 Appropriation; PFAS [~~Remediation Loan~~] **Response** Fund. The sum of \$25,000,000 for
20 the fiscal year ending June 30, 2022 is hereby appropriated to the PFAS [~~remediation loan~~]
21 **response** fund established under RSA 485-H:10 to fund grants and reimbursements in accordance
22 with RSA 485-H:11. The governor is authorized to draw a warrant for said sum out of any money in
23 the treasury not otherwise appropriated. **Up to 10 percent of the moneys appropriated under**
24 **this section may be used to fund the duties of the department outlined in RSA 485-H:8, I.**

25 357 Effective Date. Sections 361 -367 of this act shall take effect upon its passage.

26 358 Purpose and Use; Solid Waste Management Fund. Amend RSA 149-R:4, III to read as
27 follows:

28 III. The department is authorized to solicit funds from [~~the United States Environmental~~
29 ~~Protection Agency or other agencies that are targeted for making grants consistent with this section~~]
30 **any source, including the United States Environmental Protection Agency and other**
31 **federal agencies, gifts, donations of money, grants, legislative appropriations, or any**
32 **matching funds and incentives.** [~~Such funds, when received, may be deposited into the fund, and~~
33 ~~shall be used for the purposes described in this chapter.~~]**Notwithstanding RSA 4:8 and RSA**
34 **14:30, VI, the commissioner may accept and deposit such funds directly into the solid waste**
35 **management fund to be used for the purpose described in RSA 149-R:4.**

36 359 Appropriation; Solid Waste Management Fund. The sum of \$2,000,000 for the fiscal year
37 ending June 30, 2023, is hereby appropriated to the solid waste management fund established under

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1 RSA 149-R:3. Of this appropriation, 50 percent shall be used to give priority to projects associated
2 with the reduction and diversion of food, food waste, and other organic wastes until June 30, 2027.
3 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
4 otherwise appropriated.

5 360 Effective Date. Section 359 of this act shall take effect June 30, 2023.

6 361 State Liquor Stores; Closing of State Stores. Amend RSA 177:2 to read as follows:

7 177:2 Closing of State Stores.

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

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

22 362 New Section; Superior Court; Land Use Review Docket. Amend RSA 491 by inserting after
23 section 7-a the following new section:

24 491:7-b Land Use Review Docket.

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

32 II. The governor with the consent of the executive council may appoint the first presiding
33 justice of the land use review docket, who shall be qualified by reason of such person's knowledge
34 and experience in land use and real property law. The first presiding justice of the land use review
35 docket shall be an additional justice of the superior court, which shall increase by one the number of
36 authorized justices of the superior court as provided in RSA 491:1. The chief justice of the superior
37 court, following the appointment or designation of the initial presiding justice, may designate such

1 additional justices to preside over cases assigned to the land use review docket, as necessary, based
2 upon caseload, disqualification of the presiding justice, or efficient allocation of judicial resources.

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

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

11 V. Subject to the provisions of this section, all appeals to superior court filed pursuant to
12 RSA 677 and all proceedings for such appeals, shall be assigned to the land use review docket,
13 including motion practice, discovery, injunctive relief, alternative dispute resolution, and hearing on
14 the merits. Nothing in this section shall affect the concurrent jurisdiction of the housing appeals
15 board to hear appeals within its jurisdiction brought pursuant to RSA 679.

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

24 363 Superior Court; Justices. Amend RSA 491:1 to read as follows:

25 491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and
26 council to a 5-year term, and [21] **22** associate justices. Said justices shall be appointed and
27 commissioned as prescribed by the constitution and shall exercise the powers of the court unless
28 otherwise provided. The chief justice shall be appointed from among the associate justices. In the
29 event that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-
30 year term, he or she may return to the position of associate justice, whether or not an associate
31 justice vacancy then exists.

32 364 Department of Military Affairs and Veterans Services; Execution of Sentences. Amend RSA
33 110-B:55, I to read as follows:

34 I. Fines may be paid to a military court or to an officer executing its process. The amount of
35 any fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted
36 from any pay or allowance due or thereafter to become due them, until said fine is liquidated; or the
37 same may be collected with lawful costs of collection, as in the case of executions issued in action

1 founded upon torts. ***Fines collected shall be paid over to the state treasurer and credited to***
2 ***the New Hampshire national guard enlistment incentive fund under RSA 110-B:60.***

3 365 Department of Military Affairs and Veterans Services; New Hampshire National Guard
4 Enlistment Incentive Program Established. Amend RSA 110-B:60 to read as follows:

5 110-B:60 New Hampshire National Guard Enlistment Incentive Program Established. For the
6 purpose of encouraging enlistment in the national guard there is hereby established a New
7 Hampshire national guard enlistment incentive program. This program authorizes a cash incentive
8 up to [~~\$500~~] ***\$1,000*** to current members of the New Hampshire national guard in the pay grades of
9 E-1 to O-3 or any former member of the New Hampshire national guard for each new or prior service
10 recruit that they bring into the New Hampshire national guard.

11 366 Department of Military Affairs and Veterans Services; Revenue for Enlistment Incentive
12 Program. Amend RSA 110-B:61, I to read as follows:

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

19 367 Department of Military Affairs and Veterans Services; National Guard Enlistment
20 Incentive Program; Oversight and Administration. Amend RSA 110-B:62 to read as follows:

21 110-B:62 Oversight and Administration. The adjutant general shall [~~adopt rules pursuant to~~
22 ~~RSA 541-A relative to~~] ***establish procedures necessary for*** the administration of the enlistment
23 incentive program and relative to its execution by the New Hampshire Army and Air National
24 Guard recruiting offices in coordination with the department of military affairs and veterans
25 services.

26 368 Department of Military Affairs and Veterans Services; Postsecondary Educational
27 Assistance; Eligibility Determinations. Amend RSA 110-B:63-d to read as follows:

28 110-B:63-d Eligibility Determinations. Eligibility for educational assistance provided by this
29 subdivision shall be determined and monitored by the adjutant general, who shall ***establish*** [~~adopt~~
30 ~~rules, pursuant to RSA 541-A, and~~] procedures [~~deemed by the adjutant general to be~~] necessary to
31 carry out and monitor the educational assistance provided by this subdivision.

32 369 Effective Date. Sections 364 - 368 of this act shall take effect 60 days after its passage.

33 370 Department of Corrections; Division of Personnel and Information; Personnel Management;
34 Recruitment and Retention Program. RSA 21-H:4, V(a) is repealed and reenacted to read as follows:

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

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

3 (A) National Corrections Professionals Week recognition activities at all
4 departmental sites to support employee retention, which may include a paid meal for the site during
5 the week, physical awards and gift cards with a value of less than \$25 as performance incentives
6 based on departmental policies for employee recognition, and items issued to employees that are
7 within the financial scope of the department's current expense appropriations in expenditure class
8 020.

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

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

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

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

25 371 New Paragraph; Department of Corrections; Powers and Duties of Commissioner. Amend
26 RSA 21-H:8 by inserting after paragraph XII the following new paragraph:

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

31 372 Appropriation; Department of Safety; Division of State Police. The sum of \$1,000,000 is
32 hereby appropriated in the fiscal year ending June 30, 2023, to the department of safety, division of
33 state police, to develop and implement a system to electronically share an individual's bail condition
34 status with law enforcement. This appropriation shall not lapse. The governor is authorized to
35 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

36 373 Effective Date. Section 372 of this act shall take effect June 30, 2023.

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1 376 New Section; Department of Education; Division of Analytics and Resources; New Position;
2 Academic Research and Improvement Performance Data Analyst I. Amend RSA 21-N by inserting
3 after section 7-a the following new section:

4 21-N:7-b Academic Research and Improvement Performance Data Analyst I. There is
5 established within the division of education analytics and resources the position of academic
6 research and improvement performance data analyst who shall be a classified employee at no less
7 than the level of administrator III. The academic research and improvement performance data
8 analyst shall be qualified to hold such a position by reason of education and experience. The position
9 shall be subject to any other employment requirements as determined by the department. The
10 academic research and improvement performance data analyst shall collect and analyze assessment
11 data to: measure student progress, evaluate program and instructional effectiveness, guide
12 curriculum development and resource allocation, and promote accountability. The position shall also
13 assist educators in the effective use of data to drive and improve education decision-making ensuring
14 that all children learn. The analyst shall support the goal to improve statewide student proficiency
15 and growth using data-driven decision-making: collecting data, analyzing data, reporting data, using
16 data for school improvement, and communicating through data.

17 377 Appropriation; Department of Education. The sum of \$183,551 for the fiscal year ending
18 June 30, 2024, and \$182,279 for the fiscal year ending June 30, 2025, are appropriated to the
19 commissioner of the department of education for the position established in RSA 21-N:7-b. The
20 governor is authorized to draw a warrant for said sums out of any money in the treasury not
21 otherwise appropriated.

22 378 The sum of \$150,000 is hereby appropriated for the fiscal year ending June 30, 2023, to the
23 department of education for the purpose of contracting with the National Student Clearinghouse
24 Student Tracker Program for each public school district in New Hampshire. This appropriation
25 shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the
26 treasury not otherwise appropriated.

27 379 Effective Date. Section 378 of this act shall take effect June 30, 2023.

28 380 Department of Education; Application for Medicaid Direct Certification Program; Public
29 Kindergarten, Elementary, and Secondary Schools. The department of education shall seek
30 participation in the Demonstration Projects to Evaluate Direct Certification with Medicaid
31 administered by the United States Department of Agriculture (USDA). The department of health
32 and human services shall assist the department of education as needed in pursuing and
33 implementing this new direct certification methodology.

34 381 New Paragraph; Math Learning Communities Program in Public Secondary Schools;
35 Structure. Amend RSA 193-I:2 by inserting after paragraph III the following new paragraph:

36 IV. The community college system of New Hampshire shall annually submit a report listing
37 the New Hampshire high schools that are partners in the math learning communities program to

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1 the department of education, the house education committee and the senate education committee no
2 later than October 1. The submitted report shall contain, but not be limited to, the total number of
3 students participating in the advanced mathematical foundation and quantitative reasoning courses;
4 the number of summer institute participants; a summary of student achievement and growth using
5 data based upon the Next-Generation Accuplacer (QAS) exam and the SAT math examination; and
6 any other information as determined by the community college system of New Hampshire.

7 382 Community College System of New Hampshire; Appropriation. The sum of \$200,000 for the
8 fiscal year ending June 30, 2024 and the sum of \$200,000 for the fiscal year ending June 30, 2025 are
9 hereby appropriated to the community college system of New Hampshire for the purpose of
10 continuing the math learning communities program in partnership with New Hampshire high
11 schools. The governor is authorized to draw a warrant for said sums out of any money in the
12 treasury not otherwise appropriated.

13 383 Appropriation; Community College System of New Hampshire; Promise Program. The
14 sums of \$3,000,000 in the fiscal year ending June 30, 2024, and \$3,000,000 in the fiscal year ending
15 June 30, 2025, are hereby appropriated to the community college system of New Hampshire for the
16 New Hampshire promise program for the purpose of supporting access and affordability of
17 postsecondary education for New Hampshire residents. This appropriation shall not lapse. The
18 governor is authorized to draw a warrant for said sums out of any money in the treasury not
19 otherwise appropriated.

20 384 The sum of \$2,000,000 is hereby appropriated in the fiscal year ending June 30, 2023, to the
21 community college system of New Hampshire to expand workforce credential programs. This
22 appropriation shall not lapse. The governor is authorized to draw a warrant for said sums out of any
23 money in the treasury not otherwise appropriated.

24 385 Effective Date. Section 384 of this act shall take effect June 30, 2023.

25 386 Duties of the Department of Health and Human Services; Review of Rates for Child Day
26 Care Services. For the biennium ending June 30, 2025, the department of health and human
27 services shall review the rates established for the purchase of child day care services on behalf of
28 eligible persons. This review shall consider the effects of the established rates on current costs,
29 quality and availability of services. The commissioner shall adjust child care eligibility to 85 percent
30 of the state median income as defined by the United States Census Bureau. If at any time the
31 commissioner determines that funding is insufficient to provide services to those meeting the
32 eligibility criteria, he or she shall, to the extent allowed by applicable federal regulations, utilize
33 available federal Temporary Assistance to Needy Families (TANF) reserve funds to cover the
34 amount of the shortfall.

35 387 Department of Health and Human Services; Child Care Services. The commissioner of the
36 department of health and human services shall be responsible for determining, on an ongoing basis
37 through June 30, 2025, whether there is sufficient funding in account 05-95-42-421110-2977, class

1 536, to fund employment-related child care services to avoid a wait list and support greater
2 utilization of employment related childcare. If at any time the commissioner determines that
3 funding is insufficient, he or she shall, to the extent allowed by applicable federal regulations, utilize
4 available federal Temporary Assistant to Needy Families (TANF) reserve funds to cover the amount
5 of the shortfall. The department shall report quarterly to the fiscal committee of the general court
6 on any funds expended on employment-related child care services, including funds budgeted in
7 account 05-95-42-421110-2977 as well as federal TANF funds authorized by this section.

8 388 Duties of the Department of Health and Human Services; Child Care Services
9 Reimbursement Rates. For the biennium ending June 30, 2025, the department of health and
10 human services shall set child care services reimbursement rates across all child care programs to
11 match the 75th percentile of market rate survey or allow for rates to be set through an alternative
12 “true cost of care” mechanism to be defined by the department of health and human services. If at
13 any time the commissioner determines that funding is insufficient to set service rates at the 75th
14 percentile, the commissioner shall, to the extent allowed by applicable federal regulations, utilize
15 available federal Temporary Assistance to Needy Families (TANF) reserve funds to cover the
16 amount of the shortfall.

17 389 Prescription Drug Affordability Board; Funding; Fees Removed. RSA 126-BB:8 is repealed
18 and reenacted to read as follows:

19 126-BB:8 Funding; General Funds and Voluntary Contributions.

20 I. The expenses and cost of operation of the board shall be funded by general funds or by
21 voluntary contributions deposited in the board's dedicated fund.

22 II. There is established a nonlapsing fund to be known as the New Hampshire prescription
23 drug affordability board administration fund, which shall be kept distinct and separate from all
24 other funds. The fund shall be appropriated to and administered by the board. Voluntary
25 contributions under this section shall be deposited in the fund. The board shall use the fund,
26 consistent with the provisions of this chapter, to receive funds and to reimburse costs incurred by the
27 board. The fund may be used to pay administrative, technical, legal support, or other costs incurred
28 by the board under this chapter. The state treasurer may invest moneys in the fund as provided by
29 law, and all interest received on such investment shall be credited to the fund. The dedicated fund
30 shall be subject to the provisions of RSA 6:12-j.

31 390 Prescription Drug Affordability Board; Drug Price Notifications and Disclosures;
32 Confidentiality; Registration; Suspension. RSA 126-BB:9, relative to drug price notifications and
33 disclosures, confidentiality, and registration by the prescription drug affordability board shall be
34 suspended for the biennium ending June 30, 2025.

35 391 Prescription Drug Affordability Board. Repeal. RSA 126-BB:10, relative to civil penalties,
36 is repealed.

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1 392 Prescription Drug Affordability Board; Employee Authorization. RSA 126-BB:2, VI is
2 repealed and reenacted to read as follows:

3 VI. The board shall be administratively attached to the department of health and human
4 services. For a limited time, the board may employ an executive director, who shall be an
5 unclassified employee. The executive director shall be appointed by and serve at the pleasure of the
6 board. Said position shall be effective for no more than 2 years following the date of hire of the
7 individual first selected to fill the position. The board may also employ one contracted employee or
8 more, dependent on the availability of funds.

9 393 New Sections; Prescription Drug Affordability Board; Competitive Bid and Financial
10 Reporting Required. Amend RSA 126-BB by inserting after section 10 the following new sections:

11 126-BB:11 Competitive Bid Required. The contracts entered into by the board, including those
12 for consulting services or personal contract services, shall be subject to the competitive bid process.
13 Such contracts shall also be approved by the fiscal committee of the general court, the governor, and
14 the executive council.

15 126-BB:12 Financial Report. The board shall annually report on any moneys spent by the
16 board, the source of such funds, the purpose of spending such funds, and the progress of any project
17 on which the funds were spent. Such report shall be submitted to the fiscal committee of the general
18 court, the committees having jurisdiction over the board in both the house of representatives and the
19 senate, the president of the senate, the speaker of the house of representatives, the senate clerk, the
20 house clerk, the governor, and the state library.

21 394 New Section; Insurance Department; Redundancy Elimination Report. Amend RSA 400-A
22 by inserting after section 67 the following new section:

23 400-A:68 Redundancy Elimination Report. The department of insurance, in collaboration with
24 the prescription drug affordability board established in RSA 126-BB, shall issue a report on the
25 elimination of redundancies related to the collection, analysis, and reporting on prescription drug
26 prices between the two organizations, including proposed legislation on such elimination, with the
27 overarching goal of promoting efficiency and economy. This report shall be submitted to the health
28 and human services oversight committee established in RSA 126-A:13, the speaker of the house of
29 representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the
30 state library on or before October 1, 2024.

31 395 Prospective Repeal. RSA 400-A:68, relative to the redundancy elimination report, is
32 repealed.

33 396 Effective Date. Section 406 of this act shall take effect October 1, 2024.

34 397 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite
35 Advantage Health Care Program. RSA 126-AA:4 is repealed and reenacted to read as follows:

36 126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite
37 Advantage Health Care Program.

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1 I. There is hereby established a commission to evaluate the effectiveness and future of the
2 New Hampshire granite advantage health care program.

3 (a) The members of the commission shall be as follows:

4 (1) Three members of the senate, appointed by the president of the senate, one of
5 whom shall be a member of the minority party.

6 (2) Three members of the house of representatives, appointed by the speaker of the
7 house of representatives, one of whom shall be a member of the minority party.

8 (3) The commissioner of the department of health and human services, or designee.

9 (4) The commissioner of the department of insurance, or designee.

10 (5) A representative of each managed care organization awarded contracts as
11 vendors under the Medicaid managed care program, appointed by the governor.

12 (6) A representative of a hospital that operates in New Hampshire, appointed by the
13 New Hampshire Hospital Association.

14 (7) A public member, who has health care expertise, appointed by the senate
15 president.

16 (8) A public member, who currently receives coverage through the program,
17 appointed by the speaker of the house of representatives.

18 (9) A public member representing the interests of small businesses in New
19 Hampshire, appointed by the New Hampshire Association of Chamber of Commerce Executives.

20 (10) A representative of the medical care advisory committee, department of health
21 and human services, appointed by the commissioner of the department of health and human
22 services.

23 (11) A licensed physician, appointed by the New Hampshire Medical Society.

24 (12) A licensed mental health professional, appointed by the National Alliance on
25 Mental Illness New Hampshire.

26 (13) A licensed substance use disorder professional, appointed by the New
27 Hampshire Alcohol and Drug Abuse Counselors Association.

28 (14) An advanced practice registered nurse (APRN), appointed by the New
29 Hampshire Nurse Practitioner Association.

30 (15) The chairperson of the governor's commission on alcohol and drug abuse
31 prevention, treatment, and recovery, or designee.

32 (b) Legislative members of the commission shall receive mileage at the legislative rate
33 when attending to the duties of the commission.

34 (c) The limitation on commission membership in RSA 14:49, II(c) shall not apply to this
35 commission.

36 II.(a) The commission shall evaluate the effectiveness and future of the program.
37 Specifically the commission shall:

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- 1 (1) Review the program's financial metrics.
- 2 (2) Review the program's product offerings.
- 3 (3) Review the program's impact on insurance premiums for individuals and small
4 businesses.
- 5 (4) Make recommendations for future program modifications, including, but not
6 limited to, whether the program is the most cost-effective model for the long term versus a return to
7 private market managed care.
- 8 (5) Review up-to-date information regarding changes in the level of uncompensated
9 care through shared information from the department, the department of revenue administration,
10 the insurance department, and provider organizations and the program's impact on insurance
11 premium tax revenues and Medicaid enhancement tax revenue.
- 12 (6) Evaluate reimbursement rates to determine if they are sufficient to ensure access
13 to and provider capacity for all behavioral health services.
- 14 (7) Review the reasons beneficiaries are not re-enrolled in the program.
- 15 (8) Review the program's provider reimbursement rates and overall financing
16 structure to ensure it is able to provide a stable provider network and sustainable funding
17 mechanism that serves patients, communities, and the state of New Hampshire.
- 18 (b) The commission shall solicit information from any person or entity the commission
19 deems relevant to its study.
- 20 (c) The commission shall meet at least annually.

21 III. The members of the commission shall elect a chairperson from among the members.
22 Eight members of the commission shall constitute a quorum.

23 IV. On or before November 1, the commission shall make annual recommendations for any
24 proposed legislation to the president of the senate, the speaker of the house of representatives, the
25 senate clerk, the house clerk, and the governor, as appropriate.

26 398 Alcohol Abuse Prevention and Treatment Fund; Reference to Funds Transfer Removed.
27 Amend RSA 176-A:1, III to read as follows:

28 III. Moneys received from all other sources other than the liquor commission pursuant to
29 RSA 176:16, III, including any community benefit contribution made by New Hampshire's hospitals,
30 shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and
31 drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1 and shall not be
32 diverted for any other purposes. Funds disbursed shall be used for alcohol and other drug abuse
33 prevention, treatment, and recovery services, and other purposes related to the duties of the
34 commission under RSA 12-J:3[; provided, however, that funds received from any source other than
35 the liquor commission, pursuant to RSA 176:16, III, shall not be used to support the New Hampshire
36 granite advantage health care program and shall not be deposited into the fund established in RSA
37 126-AA:3].

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1 399 Individual Health Insurance Market; Plan of Operation for the High Risk Pool. Amend RSA
2 404-G:5-a, IV(d) to read as follows:

3 (d) An amount not to exceed the lesser of the remainder amount, as defined in RSA 126-
4 AA:1, V, or the amount [~~of revenue transferred from the alcohol abuse prevention and treatment~~
5 ~~fund pursuant to RSA 176-A:1, IV and~~] ***specified in RSA 126-AA:1, V(a) plus*** taxes attributable to
6 premiums written for medical and other medical-related services for the newly eligible Medicaid
7 population. The association shall transfer all amounts collected pursuant to this subparagraph to
8 the New Hampshire granite advantage health care trust fund established pursuant to RSA 126-
9 AA:3.

10 400 New Hampshire Granite Advantage Health Care Program; Definition of Remainder
11 Amount. Amend RSA 126-AA:1, V(a) to read as follows:

12 (a) ***An amount equal to*** the amount of revenue transferred from the alcohol abuse
13 prevention and treatment fund [~~pursuant to RSA 176-A:1, IV~~] ***in the state fiscal year ending***
14 ***June 30, 2023, adjusted annually by the percentage change in the Consumer Price Index for***
15 ***All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics,***
16 ***United States Department of Labor. The first such annual adjustment shall be made***
17 ***during the fiscal year ending June 30, 2024. The annual adjustment shall not exceed 5***
18 ***percent in any fiscal year;***

19 401 Repeal; Commission. RSA 126-AA:4, relative to reestablishing the commission to evaluate
20 the effectiveness and future of the New Hampshire granite health care advantage program, is
21 repealed.

22 402 Extension of the Prospective Repeal of the Granite Health Care Advantage Program.
23 Amend 2018, 342:25, II to read as follows:

24 II. Paragraphs III and VII of section 24 of this act shall take effect December 31, [2023]
25 **2025.**

26 403 Repeal; Revenue from Alcohol Abuse Prevention and Treatment Fund. The following are
27 repealed:

28 I. RSA 176-A:1, IV, relative to the transfer of funds from the alcohol abuse prevention and
29 treatment fund to the New Hampshire granite advantage health care trust fund.

30 II. RSA 126-AA:3, I(a), relative to the transfer of funds from the alcohol abuse prevention
31 and treatment fund to the New Hampshire granite advantage health care trust fund.

32 404 Department of Health and Human Services; New Hampshire Granite Advantage Health
33 Care Program; The New Hampshire Granite Advantage Health Care Trust Fund. Amend the
34 introductory paragraph of RSA 126-AA:3, I to read as follows:

35 I. There is hereby established the New Hampshire granite advantage health care trust fund
36 which shall be accounted for distinctly and separately from all other funds and shall be non-interest
37 bearing. ***The department shall include the cost of the program in its biennial budget***

1 ***request under RSA 9:4.*** The fund shall be administered by the commissioner and shall be used
2 solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-
3 AA:2, to pay for the administrative costs for the program, and reimburse the federal government for
4 any over payments of federal funds. All moneys in the fund shall be nonlapsing and shall be
5 continually appropriated to the commissioner for the purposes of the fund. The fund shall be
6 authorized to pay and/or reimburse the cost of medical services and cost-effective related services,
7 including without limitation, capitation payments to MCOs. No state general funds shall be
8 deposited into the fund. Deposits into the fund shall be limited exclusively to the following:

9 405 Liquor Commission Fund; Transfers. For the fiscal year ending June 30, 2024, transfers to
10 the alcohol abuse prevention and treatment fund pursuant to RSA 176:16, III shall be reduced by the
11 actual amount of the final agreed contribution from the Foundation for Healthy Communities,
12 anticipated to take place by December 31, 2023.

13 406 Effective Date.

14 I. Sections 398 - 400 and 402- 404 of this act shall take effect December 31, 2023.

15 II. Section 401 of this act shall take effect November 1, 2027.

16 407 New Paragraph; Medicaid Enhancement for Children and Pregnant Women. Amend RSA
17 167:68 by inserting after paragraph III the following new paragraph:

18 IV.(a) Pursuant to the state option under the section 5113 of the Consolidated
19 Appropriations Act of 2023 to expand maternity care under Medicaid and section 1902(e)(16) of the
20 Social Security Act (42 U.S.C. 1396a(e)), the commissioner of the department of health and human
21 services shall submit, no later than August 15, 2023, a Medicaid state plan amendment to the
22 federal Centers for Medicare and Medicaid Services to establish and implement 12 months of
23 continuous coverage for the entire postpartum period. This benefit shall be available to anyone who
24 received medical assistance under the state plan for all pregnancy-related and postpartum medical
25 assistance available under the state plan through the last day of the month in which the 60-day
26 period (beginning on the last day of her pregnancy) ends, remain eligible under the state plan for
27 medical assistance for the period beginning on the first day occurring after the end of such 60-day
28 period and ending on the last day of the month in which the 12-month period (beginning on the last
29 day of her pregnancy) ends.

30 (b) The medical assistance provided for a pregnant or postpartum woman under this
31 section shall, consistent with Section 1902(e)(16) include all items and services covered under the
32 state plan that are not less in amount, duration, or scope, or are determined by the Secretary to be
33 substantially equivalent, to the medical assistance available for an individual described in
34 subsection (a)(10)(A)(i); and be provided for the individual while pregnant and during the 12-month
35 period that begins on the last day of the individual's pregnancy and ends on the last day of the
36 month in which such 12-month period ends.

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1 (c) The purpose of the program shall be, through ensuring continuous coverage for a 12-
2 month postpartum period, to increase identification and mitigation of preventable pregnancy related
3 and pregnancy associated morbidity and mortality, including those related to substance use disorder
4 and mental illness.

5 (d) On January 1, 2024, the commissioner shall begin submitting quarterly reports to
6 the oversight committee on health and human services, the legislative committees with jurisdiction
7 over health and human services, and the governor regarding the department's progress in obtaining
8 and implementing the state plan amendment. The quarterly reports shall include the department's
9 plans for reducing administrative burdens for enrollees and the department's efforts to expand
10 access and participation to voluntary, evidence-based maternal home visiting programs, pursuant to
11 subparagraph (a). Reports submitted under this subparagraph shall also be posted on the
12 department's website.

13 408 Appropriation. The sum of \$200,000 for the biennium ending June 30, 2025 is hereby
14 appropriated to the department of health and human services for the purpose of expanding
15 postpartum health care services under the state Medicaid plan as provided in this act. The governor
16 shall determine if any discretionary funds appropriated in the American Rescue Plan Act of 2021,
17 Public Law 117-2, or any other federal funds, can be used for this purpose, and the commissioner
18 shall expend such federal funds for this purpose. Any remainder shall be appropriated from the
19 general fund. The governor is authorized to draw a warrant for the general fund portion of such sum
20 from any money in the treasury not otherwise appropriated.

21 409 New Section; Inclusion of Certain Children and Pregnant Women in Medicaid and the
22 Children's Health Insurance Program. Amend RSA 126-A by inserting after section 4-h the
23 following new section:

24 126-A:4-i Inclusion of Certain Children and Pregnant Women in Medicaid and the Children's
25 Health Insurance Program. Pursuant to Section 214 of the Children's Health Insurance Program
26 Reauthorization Act of 2009 (CHIPRA), no later than January 1, 2024, the commissioner of the
27 department of health and human services shall submit to the Centers for Medicare and Medicaid
28 Services (CMS) the state plan amendments required under Medicaid and the Children's Health
29 Insurance Program (CHIP) to expand coverage to otherwise eligible pregnant women and children
30 who are lawfully residing in the United States. The state plan amendments shall elect the option for
31 children up to age 19 and shall elect the option for pregnant women through the postpartum period.
32 The department of health and human services is authorized to accept and expend any matching
33 federal funds for the purposes of this section without prior approval of the fiscal committee of the
34 general court.

35 410 Appropriation: Inclusion of Certain Children and Pregnant Women in Medicaid and the
36 Children's Health Insurance Program. The sum of \$336,000 for the biennium ending June 30, 2025,
37 is hereby appropriated to the department of health and human services for the purpose of funding

1 the state share of the expansion of Medicaid and CHIP to include certain children and pregnant
2 women as provided in this act. The governor is authorized to draw a warrant for said sum out of any
3 money in the treasury not otherwise appropriated.

4 411 Department of Health and Human Services; Purchase of Scanner. Of the amount
5 appropriated to the department of health and human services in account 05-95-42-421510-6643,
6 Sununu Youth Services Center, for the fiscal year ending June 30, 2024, an amount not to exceed
7 \$325,000 shall be used for the purpose of purchasing a full body scanner.

8 412 Transfer Authority; Sununu Youth Services Center. Notwithstanding RSA 9:16-a or any
9 other law to the contrary, for the biennium ending June 30, 2025, the department of health and
10 human services shall have the authority to transfer between all class lines in account 05-95-42-
11 421510-6643, Sununu Youth Services Center.

12 413 Declaration of Purpose. New Hampshire voters passed the Right of Privacy into the state
13 constitution in November 2018 with an 81 percent approval. With that vote, state government
14 culture and behavior needed to be shaped by the words, “An individual's right to live free from
15 governmental intrusion in private or personal information is natural, essential, and inherent”. The
16 department of health and human services has been subject to the Health Insurance Portability and
17 Accountability Act since 1996 which drove initial efforts to develop a culture and infrastructure to
18 protect personal data privacy. As a holder of personal information in state government, the
19 department has a responsibility to demonstrate to the public the state’s commitment to actively and
20 overtly respect personal privacy, including privacy of personal information. Establishing and
21 maturing a culture of privacy is core to successfully driving future efforts to implement and enhance
22 privacy policies, procedures, and practices. Continuous improvement requires appropriate
23 governance and policy leadership.

24 414 New Subdivision; Data Privacy and Information Technology Security Governance Board.
25 Amend RSA 126-A by inserting after section 98 the following new subdivision:

26 Data Privacy and Information Technology Security Governance Board

27 126-A:99 Data Privacy and Information Technology Security Governance Board Established.
28 There is hereby established a data privacy and information technology security governance board to
29 oversee the department's use of data, data privacy, and information technology security that shall be
30 maintained by the department of health and human services.

31 126-A:100 Membership; Quorum.

32 I. The data privacy and information technology security governance board shall consist of
33 the following members:

34 (a) The commissioner of the department of health and human services, who shall serve
35 as the governance board chair.

36 (b) The department's privacy officer.

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1 (c) Three directors of the department who have responsibility for one of the following
2 areas: medicaid services, public health, behavioral health, children, youth and families, or long-term
3 support and services.

4 (d) The director of the department's bureau of human resource management.

5 (e) The director of the department's bureau of information services.

6 (f) The department's chief legal officer.

7 (g) The commissioner of the department of information technology.

8 (h) Up to 2 additional voting members appointed by the commissioner of the department
9 of health and human services, if needed.

10 II. A quorum of this board shall consist of the named positions being in attendance with
11 greater than 50 percent present. Members may delegate authority to represent them for the
12 purposes of maintaining a quorum. The chair of the board may also delegate authority to another
13 appropriate member of the governance board to serve during a specified meeting.

14 126-A:101 Duties.

15 I. The data privacy and information technology security governance board shall:

16 (a) Meet at least 3 times a year and post public facing meeting minutes within 2 weeks
17 of the completion of each meeting on the department's web page.

18 (b) Become educated in what data governance means, how it will work for the
19 organization, and what it means to embrace data governance and activate enterprise data stewards.

20 (c) Actively promote improved data governance practices across the department.

21 (d) Identify and approve of pivotal data governance roles and responsibilities for the
22 department including cross-enterprise domain stewards and coordinators.

23 (e) Advise, review, and approve the department's data control, governance, and privacy
24 practices in compliance with federal and state law and federal and state information privacy and
25 security policies, with the goal to meet or exceed private market benchmarks for governance, risk
26 management, and compliance.

27 (f) Drive strategic and timely implementation of a department-wide privacy policy,
28 related procedures and processes to operationalize policy-derived controls, and effective risk
29 management methodologies, including industry standards such as privacy impact assessments and
30 privacy by design.

31 II. The data privacy and information technology security governance board may solicit
32 information from any person or entity the board deems relevant to its quest.

33 126-A:102 Risk Management.

34 I. The department shall conduct a written risk assessment and mitigation remediation plan
35 in the form of a privacy impact assessment (PIA).

36 II. The assessment and plan shall:

1 (a) Assess risks to an individual's right to privacy within the department's information
2 technology systems where the individual does not possess immediate control over their information.

3 (b) Recommend alternatives to both mitigate the risks and achieve the stated objectives
4 of the department's systems.

5 (c) Identify those individuals and offices within the department who shall be directly
6 accountable for the assessment and plan, the system at the time the assessment and plan are
7 compiled, and any approved alternatives and mitigations as a result of the assessment and plan.

8 III. Unless otherwise required by law or applicable regulation, no personal information shall
9 be collected prior to the completion of the assessment and plan and any subsequent measures as a
10 result of the assessment and plan, as determined by the governance board for any systems
11 implemented subsequent to March 31, 2024.

12 IV. The assessment and plan shall be approved and may be acted upon by the commissioner.
13 All assessments and plans conducted before the date of the next data privacy and information
14 technology security governance board meeting shall be submitted to the board for review.

15 415 Data Privacy and Information Technology Security Governance Board; Specialized
16 Employees Authorized; Appropriation.

17 I. The department is hereby authorized to establish 2 full-time, permanent employees to
18 support and conduct the required data privacy and information technology security assessments, as
19 well as manage the implementation of mitigation efforts and other necessary updates.

20 II. The qualifications of the 2 employees shall include privacy certifications, information
21 systems expertise, and project management and communications experience. Certifications may be
22 deferred for up to 2 years post-hiring.

23 III. The 2 employees shall be classified, full time employees who shall work on assisting in
24 implementing the objectives of the data privacy and information technology security governance
25 board, conducting the privacy assessment and mitigation plan, and other, related data privacy and
26 information technology security activities in the department of health and human services. The
27 classification shall be information technology manager IV, labor grade 32, step 7.

28 IV. The sum of \$300,000 for the biennium ending June 30, 2025 is hereby appropriated to
29 the department of health and human services for the purpose of funding 2 information technology
30 manager IV positions as required in paragraph III of this section. The governor is authorized to
31 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

32 V. The department is authorized to use contract support available from funds prior to July
33 1, 2024.

34 416 Findings. The general court finds that given the statistically significant excess in the
35 number of cases of kidney cancer in Merrimack, New Hampshire found by the department of health
36 and human services, the known detection of environmental contaminants that have been associated
37 with kidney cancer, and a trend of increasing incidence of kidney cancer over time, the department

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1 recommends that a feasibility study as determined by the New Hampshire Cancer Concern
2 Investigation Protocol, Phase 3 be conducted. The general court further finds that a Phase 3
3 feasibility study would determine if an epidemiological study (Phase 4) is warranted and would
4 identify appropriate cancers and health outcomes for inclusion in such study.

5 417 Appropriation; Department of Health and Humans Services; Phase 3 Feasibility Study.

6 I. There is hereby appropriated the sum of \$500,000 for the biennium ending June 30, 2025,
7 to the department of health and human services to enter into a contract with an academic or
8 research organization to complete a New Hampshire Kidney Cancer Incidence Phase 3 Feasibility
9 Study for the town of Merrimack to further understand potential exposures that may contribute to
10 the excess of kidney cancer incidence in Merrimack and identify any next steps warranted. Such
11 funds shall be nonlapsing and appropriated to the department for the purposes of this act. The
12 governor is authorized to draw a warrant for said sum out of any money in the treasury not
13 otherwise appropriated.

14 II. In order to provide funding for said appropriation, and subject to prior review by the joint
15 legislative oversight committee on health and human services established in RSA 126-A:13, the
16 department shall first use any available grant funding or any other non-state funds which may be
17 used for this purpose.

18 418 General Fund Transfer to Highway Fund. The sum of \$10,000,000 for the fiscal year ending
19 June 30, 2023, is hereby appropriated to the highway fund. This appropriation shall not lapse. The
20 governor is authorized to draw a warrant for said sum out of any money in the treasury not
21 otherwise appropriated.

22 419 Effective Date. Section 418 of this act shall take effect June 30, 2023.

23 420 Purpose Statement. The general court finds that people and animals accessing lakes and
24 rivers across the state have been impacted by cyanobacteria blooms, which pose a threat of acute and
25 chronic illnesses from the toxins they release. Many of these blooms have been triggered by
26 phosphorus loading from direct run-off, poor culvert design, inefficient or failed septic systems,
27 internal loading of phosphorus, among other causes. The cost of designing, installing and repairing
28 mitigation systems or projects for many communities, watershed management associations, and lake
29 associations, would result in dramatically higher property taxes or would take many years of
30 fundraising and delay projects exacerbating the problem. The mitigation of contributors to
31 cyanobacteria blooms requires a strategy to protect, preserve, and enhance the water quality that
32 New Hampshire citizens and the natural environment depend upon.

33 421 New Subdivision; Cyanobacteria Mitigation Loan Program. Amend RSA 485-A by inserting
34 after section 57 the following new subdivision:

35 style="text-align:center">Cyanobacteria Mitigation Loan Program

36 485-A:58 Establishment and Implementation of Cyanobacteria Mitigation Loan Program.

1 I. There is established in the department of environmental services the cyanobacteria
2 mitigation loan program. The program shall provide low interest loans to:

3 (a) Municipalities, community water systems and non-profit lake and river watershed
4 associations whose testing shows confirmed and chronic exceedances of the state health advisory for
5 cyanobacteria, for remediation efforts begun after September 30, 2023.

6 (b) Publicly-owned and non-profit lake or river watershed associations that have a
7 watershed management plan which specifies sources of phosphorus loading approved by the
8 department of environmental services.

9 II. Projects shall only be financed after the applicant's proposed mitigation plan or
10 watershed management plan demonstrates that the such plan is the most cost-effective solution, as
11 reviewed and approved by the department of environmental services. The applicant shall provide
12 evidence in the application for funding that there are no no-cost or low-cost efforts that would result
13 in a substantial decrease in external phosphorus loading. The applicant shall also show that there is
14 no responsible party identified by department of environmental services or that the responsible
15 party, potentially including the applicant, has provided their appropriate share of the funding for the
16 proposed project.

17 III. Loans or grants may be made for up to the total cost of the project, after any responsible
18 party's contribution, addressing the contamination.

19 IV. The cyanobacteria mitigation program shall forgive up to 10 percent of the loan principal
20 to community water systems, publicly owned or non-profit lake or river watershed associations using
21 the same qualifying standards for forgiveness used in the drinking water state revolving loan
22 program established under RSA 486:14.

23 V. Total loan forgiveness under this section shall not exceed \$1,000,000 in a fiscal year.
24 485-A:59 Duties.

25 I. The department of environmental services shall:

26 (a) Administer the cyanobacteria mitigation loan and grant program to assist
27 municipalities; community and non-profit, lake and river watershed association; with the cost of
28 reducing the number of chronic and extended cyanobacteria bloom that the department considers to
29 be a threat to long term health of water bodies. For purposes of this subparagraph, administration
30 includes oversight of the grant or loan expenditures to ensure they are not misused.

31 (b) Administer a loan forgiveness program to assist municipalities, community, and non-
32 profit, lake and river watershed association with loan repayment.

33 (c) Award loan or grant funds to projects that meet the following criteria:

34 (1) The project is or was necessary to reduce phosphorus loading identified in an
35 accepted watershed management plan and the applicant for funding is a municipality, a community
36 water system, or a non-profit, lake or river watershed association.

1 (2) The applicant has demonstrated, to the satisfaction of the department, that low
2 or no-cost solutions are neither viable nor effective.

3 (d) Award reimbursements to projects from the fund in a manner consistent with this
4 chapter.

5 II. Every year beginning December 1, 2024, the department of environmental services shall
6 prepare and file a report with the general court evaluating the progress made relative to mitigating
7 cyanobacteria blooms, the efficiency of the program established under this chapter, and whether it
8 continues to provide the maximum benefit to New Hampshire citizens, and providing any
9 recommendations on potential additional tasks for which the fund could be used to address
10 cyanobacteria blooms.

11 485-A:60 Rules. The department of environmental services shall adopt rules, under RSA 541-A,
12 relative to administering cyanobacteria loan and grant programs for eligible projects.

13 485-A:61 Cyanobacteria Mitigation Loan and Grant Fund Established. There is hereby
14 established in the department of environmental services the cyanobacteria mitigation loan and grant
15 fund which shall be maintained by the state treasurer in distinct and separate custody from all other
16 funds. The state treasurer may invest the fund in accordance with RSA 6:8. Any earnings on fund
17 moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and continually
18 appropriated to the department of environmental services. The cyanobacteria mitigation loan and
19 grant fund shall be used to fund loans, grants, and reimbursements in accordance with this
20 subdivision. Funds from any bond proceeds, grants, loan repayments, legislative appropriations,
21 donations, and other funds shall be credited to this fund.

22 422 New Subparagraph; Cyanobacteria Mitigation Loan and Grant Fund. Amend RSA 6:12, I(b)
23 by inserting after subparagraph (387) the following new subparagraph:

24 (388) Moneys deposited in the cyanobacteria mitigation loan and grant fund
25 established in RSA 485-A:61.

26 423 Appropriation; Department of Environmental Services. The sum of \$1 for the fiscal year
27 ending June 30, 2024 is hereby appropriated to the department of environmental services for deposit
28 into the mycobacteria mitigation loan and grant fund. The governor is authorized to draw a warrant
29 for said sum out of any money in the treasury not otherwise appropriated.

30 424 School Building Aid; Grants for School Construction; Chartered Public Schools;
31 Requirements Added. Amend RSA 198:15-a, I and II to read as follows:

32 I. To aid local school districts *and chartered public schools under RSA 194-B* in meeting
33 the costs of school buildings, the department of education shall, from funds appropriated by the
34 general court to carry out the provisions of this subdivision, pay to the school districts *and*
35 *chartered public schools* of the state, sums in accordance with the provisions of this subdivision,
36 *RSA 198:15-b, I(a)(2)(C)* or the alternative school building aid provisions under RSA 198:15-u
37 through RSA 198:15-w.

1 II. Beginning with construction authorized by a local school district *or chartered public*
2 *school* on or after July 1, 2013, office facilities for school administrative units and the purchase or
3 lease-purchase of temporary space for any purpose, including but not limited to modulars, trailers, or
4 other similar structures to be used as classroom, office, or storage space shall not be eligible for
5 school building aid grants.

6 *II-a. Any chartered public school building to be improved or constructed using*
7 *school building aid shall be owned by the chartered public school and shall be subject to a*
8 *plan for the disposition of the chartered public school's assets, pursuant to RSA 194-B:3,*
9 *II(z), as approved by the state board of education.*

10 425 Amount of Grant; Criteria for Chartered Public Schools. Amend RSA 198:15-b, I(a)(2)(A)-
11 (C) to read as follows:

12 (2)(A) For construction authorized by a school district after July 1, 2013, school
13 building aid grants for new construction shall not exceed the state appropriation for school building
14 aid for the fiscal year, less any debt service payments due and owing in the fiscal year for
15 construction or renovation projects approved in a prior fiscal year, less the amount owed for
16 construction or renovation projects approved prior to July 1, 2013 in accordance with subparagraph
17 (a)(1), unless otherwise provided by an act of the general court. School building aid grants approved
18 pursuant to RSA 198:15-u through RSA 198:15-w *or pursuant to subparagraph (2)(C)*, shall be
19 disbursed to school districts *and chartered public schools* pursuant to this subparagraph and no
20 state bonds shall be authorized or issued for the purpose of funding school building aid grants. The
21 amount of the grant to any school district duly organized, any city maintaining a school department
22 within its corporate organization, any cooperative school district as defined in RSA 195:1, any
23 receiving district operating an area school as defined in RSA 195-A:1, or any receiving district
24 providing an education to pupils from one or more sending districts under a contract entered into
25 pursuant to RSA 194:21-a or RSA 194:22, shall be calculated based on the criteria set forth in RSA
26 198:15-v.

27 (B) The state board of education shall approve the disbursement of 80 percent of
28 the eligible grant amount upon approval of the application for school building aid grants by the state
29 board of education, and shall disburse the balance of the grant amount upon completion of the
30 construction and verification of the final cost of construction by the department of education. *For*
31 *chartered public school construction projects, the amount of the annual grant to any*
32 *chartered public school shall be a sum equal to 5 percent of the eligible grant amount each*
33 *year for 20 years upon approval of the application for school building aid grants by the*
34 *state board of education. Not more than 10 percent of the eligible grant amount shall be*
35 *disbursed until the construction and verification of the final cost of construction have been*
36 *made by the department of education.*

1 (C) The amount of the grant to any chartered public school established in
2 accordance with RSA 194-B:3-a shall be 30 percent of the eligible cost of construction.

3 426 Building Aid; Use of Land, Buildings, or Facilities. Amend RSA 198:15-b, I(b)(1) and (2) to
4 read as follows:

5 (1) A school district, a city maintaining a school department within its corporate
6 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
7 area school as defined in RSA 195-A:1, **a chartered public school**, or a receiving district providing
8 an education to pupils from one or more sending districts under a contract entered into pursuant to
9 RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities
10 for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or
11 facilities, whichever is greater.

12 (2) A school district, a city maintaining a school department within its corporate
13 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
14 area school as defined in RSA 195-A:1, **a chartered public school**, or a receiving district providing
15 an education to pupils from one or more sending districts under a contract entered into pursuant to
16 RSA 194:21-a or RSA 194:22, shall submit, when applying for aid under this chapter, the least costly
17 building plan based on a 20-year life cycle cost analysis that meets minimum state building
18 standards in this chapter along with any alternative plans that may be proposed.

19 427 Maintenance Plan. Amend the introductory paragraph of RSA 198:15-b, I-a(a) to read as
20 follows:

21 I-a.(a) In addition to the requirements of paragraph I, each school district **or chartered**
22 **public school**, prior to receipt of any grant moneys, shall submit for review and approval a written
23 maintenance plan describing in detail how the school district intends to maintain the new facilities
24 to be constructed with state aid grant moneys. The required maintenance plan shall include, but not
25 be limited to, the following information:

26 428 Equipment Assurance. Amend RSA 198:15-b, I-a(k) to read as follows:

27 (k) A statement of assurance, signed by the chair of the school board **or the chair of the**
28 **board of trustees of the chartered public school**, which indicates that the district **or chartered**
29 **public school** intends to maintain and service all installed equipment according to the
30 manufacturer's instructions.

31 429 Department of Education; Construction Proposal Criteria. Amend RSA 198:15-c, II(b)(5)
32 and (6) to read as follows:

33 (5) Whether a school district **or chartered public school** has made a reasonable
34 attempt to accommodate maintenance activities including scheduled and unscheduled repairs,
35 upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to
36 achieve the design life expectancy of building systems and components. School districts **and**
37 **chartered public schools** shall be required to provide maintenance records and other

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1 documentation, if necessary, concerning maintenance program activities for scheduled and
2 unscheduled repairs, upkeep, minor alterations, and enhancements of district buildings.

3 (6) A school district's *or chartered public school's* fiscal capacity based on
4 measurable criteria such as the percentage of pupils eligible for free and reduced price meals.

5 430 Project Resubmission. Amend RSA 198:15-c, II(c) to read as follows:

6 (c) A school district, a city maintaining a school department within its corporate
7 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
8 area school as defined in RSA 195-A:1, *a chartered public school*, or a receiving district providing
9 an education to pupils from one or more sending districts under a contract entered into pursuant to
10 RSA 194:21-a or RSA 194:22, with projects for which there is insufficient state grant funding may
11 resubmit those projects to the department pursuant to the provisions of this section.

12 431 Project Manager. Amend RSA 198:15-b, IV to read as follows:

13 IV. A school district *or chartered public school* that accepts school building aid for
14 construction shall engage the services of a project manager for construction or reconstruction
15 projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary.
16 The school district's *or chartered public school's* project manager shall have his or her own
17 comprehensive liability and auto insurance, worker's compensation coverage, and professional
18 liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to
19 the required services, responsibilities, and qualifications for the [school district's] project manager.

20 432 Time of Computation of Grant. Amend RSA 198:15-d to read as follows:

21 198:15-d Time of Computation of Grant. As of January 1 in each year, the department of
22 education shall cause to be computed the amount of the annual grants for school building aid to be
23 paid to eligible school districts *and chartered public schools* in the succeeding fiscal year. The
24 computation shall be based upon the total of eligible costs of construction of school buildings
25 approved by the *chartered public school or the* legislative body of the school district and the
26 department of education for which loans are outstanding in each school district for the fiscal year in
27 which the computations are made.

28 433 Repeal. RSA 194-B:11, VII, relative to the prohibition on chartered public schools receiving
29 school building aid, is repealed.

30 434 Schools; Food and Nutrition Programs; School Lunch Eligibility. Amend RSA 189:11-a, I to
31 read as follows:

32 I.(a) Each school board shall make at least one meal available during school hours to every
33 pupil under its jurisdiction. Such meals shall be served without cost ~~for at a reduced cost to any~~
34 ~~child who meets federal income eligibility guidelines] to any child whose annual household~~
35 *income is less than or equal to 300 percent of the federal poverty guidelines as updated*
36 *annually in the Federal Register by the United States Department of Health and Human*
37 *Services under 42 U.S.C. section 9902(2).* The state board of education shall ensure compliance

1 with this section and shall establish minimum nutritional standards for such meals as well as
2 income guidelines set for the family size used in determining eligibility for free and reduced price
3 meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in
4 the same school.

5 ***(b) All costs for the school meals program under subparagraph (a) in addition***
6 ***to sums allocated under RSA 186:13, XI, shall be funded by disbursements from the***
7 ***department of education to the school districts subject to the availability of funds***
8 ***appropriated for such purpose in the state operating budget.***

9 435 Contingency. If HB 572 of the 2023 regular legislative session becomes law, section 445 of
10 this act shall take effect at 12:01 a.m. on September 1, 2023. If HB 572 of the 2023 regular
11 legislative session does not become law, section 434 of this act shall not take effect.

12 436 Youth Detention Center; Construction Funds. Notwithstanding any other act of the
13 legislature or law to the contrary, any secured treatment facility constructed to replace the current
14 Sununu Youth Services Center shall be funded entirely with federal discretionary funds
15 appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, including any funds which
16 have previously been allocated by the governor but which have not been expended. No state general
17 funds shall be appropriated for the purpose of constructing the replacement facility.

18 437 Department of Health and Human Services; Family Resource Centers; Appropriation.
19 There is hereby appropriated to the department of health and human services the sums of
20 \$1,000,000 for the state fiscal year ending June 30, 2024, and \$1,000,000 for the state fiscal year
21 ending June 30, 2025, to support family resource center (FRC) infrastructure. The appropriation
22 shall be allocated to the FRC facilitating organization to distribute to FRCs. The use of the funds
23 shall include, but not be limited to, better serving families, preparing for FRC-Q designation,
24 enhancing coordination with other early childhood systems, and supporting evidence-based
25 programs such as home visiting programs, ACERT, and community collaborations. The governor is
26 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
27 appropriated.

28 438 Department of Health and Human Services; System of Care; Appropriation. There is
29 hereby appropriated to the department of health and human services the sum of \$5,000,000 for the
30 biennium ending June 30, 2025, to support residential treatment provider rates as a component of
31 the system of care. The department may accept and expend matching federal funds without prior
32 approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of
33 any money in the treasury not otherwise appropriated.

34 439 Emergency Powers; Notice; Declaration and Termination of State of Emergency. Amend
35 RSA 4:45, I and II to read as follows:

36 I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-
37 P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made

1 disaster of major proportions is imminent or has occurred within this state, and that the safety and
2 welfare of the inhabitants of this state require an invocation of the provisions of this section. As
3 soon as practicable, the governor shall notify the speaker of the house of representatives and the
4 senate president of the impending issuance of emergency orders under this section and provide a
5 description of such orders. The general court shall have the same power to declare a state of
6 emergency by concurrent resolution of the house and senate. An executive order or concurrent
7 resolution declaring a state of emergency shall specify the:

8 (a) Nature of the emergency;

9 (b) Political subdivisions or geographic areas subject to the declaration;

10 (c) Conditions that have brought about the emergency; and

11 (d) Duration of the state of emergency, if ***declared by the governor and*** less than 21
12 days, ***or if declared by the general court and less than 90 days.***

13 II.(a) A state of emergency shall terminate automatically 21 days after its declaration ***if***
14 ***declared by the governor, or 90 days after its declaration if declared by the general court,***
15 unless it is renewed under the same procedures set forth in paragraph I of this section. The
16 governor may, by executive order, renew a declaration of a state of emergency [~~as many times as~~] ***no***
17 ***more than 3 times if*** the governor finds ***it*** is necessary to protect the safety and welfare of the
18 inhabitants of this state. ***The general court may, by concurrent resolution, renew a***
19 ***declaration of a state of emergency as many times as it finds is necessary to protect the***
20 ***safety and welfare of the inhabitants of this state.***

21 (b) If the governor finds that maintaining the state of emergency is no longer justified,
22 the governor shall issue an executive order terminating the state of emergency.

23 (c) The legislature may terminate a state of emergency or any emergency order issued
24 thereunder by a [~~majority vote of both the senate and the house of representatives~~] ***concurrent***
25 ***resolution adopted by a majority vote of each chamber.*** A majority for this vote shall consist of
26 a majority of members present and voting in each chamber acting separately. A state of emergency
27 shall terminate upon a [~~majority vote of both chambers~~] ***concurrent resolution adopted by a***
28 ***majority vote of each chamber,*** under this subparagraph; provided, however, that such vote shall
29 not preclude the governor from declaring a new emergency for different circumstances under
30 paragraph I of this section.

31 [~~(d) Ninety days from the date of declaration of a state of emergency, and every 90 days~~
32 ~~thereafter, the governor shall call, pursuant to Part II, Article 50 of the New Hampshire~~
33 ~~constitution, and address a joint session of the general court, and shall provide a written copy of the~~
34 ~~address to all members of both chambers within 5 business days. At such joint session, the~~
35 ~~legislature shall vote on whether to terminate the state of emergency by concurrent resolution~~
36 ~~adopted by a simple majority of both chambers acting separately on the following question: "Shall~~

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1 ~~the current state of emergency be terminated?" For purposes of this section, "simple majority" means~~
2 ~~a majority of members present and voting "yea" in both chambers.]~~

3 440 Amend Effective Date; Licensed Historic Horse Racing Facilities. Amend 2021, 66:11, I to
4 read as follows:

5 I. Section 10 of this act shall take effect July 1, ~~[2024]~~ **2029**.

6 441 New Section; Immigration Checkpoints. Amend RSA 265 by inserting after section 1-c the
7 following new section:

8 265:1-d Immigration Checkpoints. When any state, county, or municipal police department or
9 law enforcement agency is informed by a federal agency of intent to conduct an immigration
10 checkpoint, the department or agency shall give notice to the public within 24 hours of when the
11 checkpoint is scheduled to occur or as soon as is practical. The notice shall disclose, if known, the
12 date, municipality, and geographical area in which the checkpoint will occur. Notice to the public
13 shall be provided by using various media resources available, which may include publishing this
14 information on the government agency's website and on social media, or the use of press conferences,
15 press releases, radio and television coverage, posters, and flyers.

16 442 Effective Date. Section 441 of this act take effect upon its passage.

17 443 Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1,
18 2023.

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

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

FISCAL IMPACT: State County Local None

| STATE: | Estimated Increase / (Decrease) | | | |
|------------------------|---|---|---|---|
| | FY 2023 | FY 2024 | FY 2025 | FY 2026 |
| Appropriation | \$0 | See Below | See Below | See Below |
| Revenue | \$0 | See Below | See Below | See Below |
| Expenditures | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| Funding Source: | <input checked="" type="checkbox"/> General Various Government Funds | <input checked="" type="checkbox"/> Education | <input checked="" type="checkbox"/> Highway | <input checked="" type="checkbox"/> Other - |

COUNTY:

| | | | | |
|---------------------|-----|----------------|----------------|----------------|
| Revenue | \$0 | Indeterminable | Indeterminable | Indeterminable |
| Expenditures | \$0 | Indeterminable | Indeterminable | Indeterminable |

LOCAL:

| | | | | |
|---------------------|-----|----------------|----------------|----------------|
| Revenue | \$0 | Indeterminable | Indeterminable | Indeterminable |
| Expenditures | \$0 | Indeterminable | Indeterminable | Indeterminable |

METHODOLOGY:

The Office of Legislative Budget Assistant indicates this bill, also known as the budget trailer bill, contains various provisions which will accompany the FY 2024-2025 operating budget as contained in HB 1 throughout the Legislative session. Although some sections have a clear fiscal impact, such as those with appropriations, some sections have a fiscal impact that cannot be determined with any level of precision, while others will have no fiscal impact. As a result, it is difficult to determine the overall impact of HB2 on state, county, and local revenues or expenditures when considered in its totality.

The contents of the bill will evolve during the Legislative budget process as sections are amended, deleted, and added. Throughout this process, the Office of Legislative Budget Assistant prepares summaries and posts all budget documents on their website (www.gencourt.state.nh.us/lba/budget/fy2024_2025_budget.aspx). The Surplus Statements contained on their website provide the best summary of the fiscal impact of the budget trailer bill provisions on state general, highway and fish and game funds.

As amended by the House, HB 2 contains the following revenue impacts to the base revenue estimates provided by the House Ways and Means Committee in HR 17:

| Revenue Impact (in thousands) | FY 2024 | FY 2025 |
|-------------------------------|-------------|-------------|
| General Fund | \$217,000 | \$199,350 |
| Education Trust Fund | (\$223,100) | (\$224,850) |
| Total Revenue Impact | (\$6,100) | (\$25,500) |

As amended by the House, HB 2 contains various appropriations totaling by fund as follows:

| Appropriations (in thousands) | FY 2023 | FY 2024 | FY 2025 |
|-------------------------------|-----------|------------|------------|
| General Funds | \$222,882 | \$170,340 | \$182,801 |
| Education Trust Fund | \$0 | (\$10,000) | (\$10,000) |
| Highway Fund | \$0 | \$9,262 | \$11,300 |
| Fish & Game Fund | \$0 | \$875 | \$1,067 |
| Other Funds | \$0 | \$29,815 | \$36,374 |
| Federal Funds | \$0 | \$16,702 | \$20,377 |
| Total Appropriations | \$222,882 | \$216,994 | \$241,919 |

AGENCIES CONTACTED:

None