HB 2-FN-A-LOCAL - AS INTRODUCED

2023 SESSION

HOUSE BILL 2-FN-A-LOCAL

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

SPONSORS: Rep. Weyler, Rock. 14

COMMITTEE: Finance

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. Limits retirement system eligibility for full time community college system employees to only those participating prior to January 1, 2024.

5. Makes an appropriation to the university system of New Hampshire for the renovation of the Whittemore Center Arena.

6. Authorizes the liquor commission to transfer funds for its employee incentive program.

7. Establishes new unclassified positions within the department of corrections.

8. Moves positions within the department of corrections from group I to group II status in the New Hampshire retirement system.

9. Removes the position of professional standards director from the department of corrections.

10. Makes certain organizational changes to the office of the commissioner of the department of environmental services.

11. 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.

12. Removes the subsurface systems fund established in RSA 485-A:30, I-b and directs the revenues to the water resources fund.

13. Makes certain changes to, and continuously appropriates, the fees collected for excavating and dredging permits being deposited into the water resources fund.

14. Modifies the wastewater plant operator certification fund to be continuously appropriated.
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15. 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.

16. Clarifies the chargeable area for fees associated with terrain alteration disturbances.

17. Removes certain limitations to the Winnipesaukee River basin control program.

18. Establishes a new chapter regulating PCB assistance, a corresponding fund, and makes an appropriation therefor.

19. Establishes a new office of regulatory review, reduction, and government efficiency and makes an appropriation therefor.

20. Establishes a historic housing preservation tax credit.

21. Establishes the InvestNH Program.

22. Makes an appropriation for the Affordable Housing Fund.

23. Makes an appropriation for the Juvenile Peer-to-Peer Grief Support program.


25. Modifies New Hampshire excellence in higher education endowment fund definitions.

26. Changes the regenerative manufacturing workforce development program into the workforce development student debt relief program.

27. Changes the college tuition savings advisory commission to a scholarship commission.

28. Creates a computer science and STEM administrator for the department of education.

29. Creates a new chapter for a computer science educator program.

30. Creates the establishment of the bridges house special account.

31. Establishes a fund and appropriations for the New Hampshire state prison administered by the department of corrections.

32. Makes an appropriation for the department of corrections IT infrastructure.

33. Makes an appropriation for the department of administrative services to purchase 2 Granite Place, Concord, New Hampshire, construct a new youth detention center, and construct a new legislative parking garage.

34. Makes an appropriation for the body-worn and dashboard camera fund.

35. Authorizes the Christa McAuliffe memorial.

36. Establishes a commission on New Hampshire civics.

37. Makes an appropriation for the Governor’s commission on alcohol and other drugs.

38. Makes an appropriation for expanding the Teacher of the Year program.
39. Creates the norther border alliance program.

40. Modifies the authority and duties of police employees acting within 25 air miles of the border with Canada.

41. Makes appropriations to the department of natural and cultural resources to assess the materials in the state library and to the governor’s commission on alcohol and other drugs for student assistance programming and youth risk behavior surveys.

42. 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.

43. Repeals the communications service tax.

44. 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.

45. Alters the nomination process to the labor commissioner penalty appeal board.

46. Authorizes the commissioner of labor to adopt administrative rules to facilitate administration and enforcement of family and medical leave insurance.

47. Alters the composition of the workers’ compensation appeal board.

48. Changes the term of office, the process to fill vacancies, and scope of authority of the department of transportation appeals board.

49. Creates an over-length, over-width, and over-height revolving fund under the railroad appeals board credited to the department of transportation.

50. Authorizes highway surveillance for the security of the Little Bay Bridges in Dover and Newington.

51. 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.

52. Authorizes the department of transportation to charge a credit card use convenience fee for aircraft operating fee transactions.

53. Clarifies the requirements for eligibility for the E-Z Pass transponder road toll discount.

54. Alters the process of the development of the statewide transportation improvement program plan.

55. Alters the process to claim assets which have escheated to the state.

56. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2025.

57. Transfers certain responsibilities of the department of environmental services and the public utilities commission to the department of energy.

58. Directs the department of energy to support offshore wind initiatives.

59. Changes the dates required to submit reports to the department of energy.

60. Increases staff and expenditures at the department of energy.
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61. Changes the dates of the quarters for quarterly assessments by the public utilities commission.

62. Enables the commissioner of the department of energy to appoint a general counsel.

63. Removes the statutory fee for record requests from the division of motor vehicles.

64. Requires the state fire marshal to make annual inspections of residential care and health facility licensing.

65. Allows certain emergency medical care providers to administer Naloxone.

66. Enables the engagement of peer support services following a critical incident or other certain experiences by emergency services providers.

67. Suspends the highway fund allocation.

68. Defines what students are eligible for education freedom accounts.

69. Changes the distribution schedule from the education trust fund.

70. Creates the state building aid fund.

71. Revises the formula for calculating adequate education grants and increases the amount of such funding.

72. Provides that appropriations to state agencies for bond insurance and property and casualty insurance shall not be transferred or expended for any other purpose.

73. Provides that funds appropriated for state employee medical and surgical benefits shall be nonlapsing.

74. Clarifies administration of the salary adjustment fund and employee benefit adjustment account.

75. Changes the name of the department of administrative services state budget director to the state budget officer.

76. Provides the department of administrative services authority to bill agencies for planning and design costs associated with capital construction projects.

77. Makes an appropriation to the department of administrative services for technology upgrades.

78. Revises the duties and authority of the state commission on aging.

79. Establishes the salary schedule applicable to certain corrections officers.

80. Authorizes the department of administrative services to expend funds appropriated for additional parking for state employees in downtown Concord.

81. Establishes salaries and salary schedules for certain state officers and unclassified employees.

82. Increases the distribution of business profits and business enterprise tax revenues to the education trust fund.
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83. Makes an appropriation to the department of health and human services for the Choose Love Program.

84. Allows the department of health and human services to fill unfunded positions.

85. Suspends the foster grandparents program.

86. Suspends the congregate housing and services program.

87. 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.

88. Suspends the provision of direct and indirect graduate medical education payments to hospitals.

89. Suspends catastrophic aid payments to hospitals.

90. Allows for additional funding for Medicaid to schools.

91. Makes an appropriation for the Sununu Youth Services Center.

92. Requires submission of health facility plans to the division of fire safety.

93. Delays the workplace violence prevention and health care workplace safety commission.

94. Establishes unclassified positions in the department of health and human services.

95. Requires no admissions to the forensic psychiatric hospital in the biennium.

96. Funds the acquired brain disorder services, and in-home support waiver.

97. Increases the total county nursing services billings.

98. Makes appropriations to the department of health and human services for programs and systems.

99. Repeals 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.

100. Revises the workforce development program administration.

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

102. Provides for quarterly meetings of the agricultural advisory board.

103. Reclassifies and renames positions in the department of justice to unclassified.

104. Establishes a handling charge for the division of charitable trusts.

105. Provides for continued retirement system administration of certain benefit payments to existing beneficiaries.

106. Increases the business finance authority unified contingent credit limit.

107. Requires certain hospitals to be designated as mental health receiving facilities.
108. Redefines the roles and responsibilities of the office of professional licensure and certification (OPLC) for the state's occupational regulatory boards and commissions. The bill consolidates administrative authority for OPLC in a new chapter and repeals redundant provisions of law. The bill repeals, or merges with other boards, several boards or commissions.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
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 Department of Information Technology; Divisions Established. Amend RSA 21-R:5 to read as follows:

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

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

3 Appropriation; Community College System of New Hampshire; Dual and Concurrent Enrollment Program; Appropriation. The sums of $2,000,000 for the fiscal year ending June 30, 2024, and $2,000,000 for the fiscal year ending June 30, 2025, are hereby appropriated to community college system of New Hampshire for the purpose of providing scholarships and program support for the dual and concurrent enrollment program under RSA 188-E:26. This appropriation shall be in addition to any other funds appropriated to the community college system of New Hampshire. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Said appropriation shall not lapse.

4 Regional Career and Technical Education (CTE); Dual and Concurrent Enrollment Program. Amend RSA 188-E:26 to read as follows:

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

5 Regional Career and Technical Education (CTE); Dual and Concurrent Enrollment Program; Enrollment Requirements. Amend RSA 188-E:27, II to read as follows:
II. A student in the program shall be provided funding for enrollment in no more than [2] 3 dual or concurrent enrollment courses taken in grade 10, no more than [2] 3 dual or concurrent enrollment courses taken in grade 11, and no more than [2] 3 dual or concurrent enrollment courses taken in grade 12. A student may take more than [2] 3 dual or concurrent enrollment courses per year at his or her own expense.

6 Community College System of New Hampshire; Employment; Benefits; Retirement System Status. Amend RSA 188-F:7 to read as follows:

188-F:7 Employment; Benefits; Retirement System Status.

I. Any changes to the conditions of employment, compensation, and benefits of community college system of New Hampshire employees covered by collective bargaining agreements shall be negotiated through the collective bargaining process.

II. The community college system of New Hampshire shall[...], be considered an employer for the purposes of RSA 100-A:1, IV and V for full-time employees participating in the New Hampshire retirement system prior to January 1, 2024. [Full-time employees of the community college system of New Hampshire as of the effective date of this section shall be considered employees for the purposes of RSA 100-A:1, V.]

III. Service as an employee of the community college system of New Hampshire that commences prior to January 1, 2024 shall be creditable service for purposes of RSA 100-A, RSA 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college system of New Hampshire employee who transfers, without a break in service, to a state classified, unclassified, or nonclassified service position shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked. Any state employee in a classified, unclassified, or nonclassified service position who transfers, without a break in service, to the community college system of New Hampshire shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

IV. [Membership in the retirement system shall be optional for positions within the community college system of New Hampshire for which participation was optional as of June 30, 2007, and for such other positions within the community college system of New Hampshire as may be designated by the board of trustees.
The community college system of New Hampshire shall remit to the state on a monthly basis the cost of retiree health care benefits for employees who have retired on or after July 1, 2011. The amount due shall be based on current enrollment for that month and the working rate for the calendar year. Invoices from the department of administrative services shall contain retiree enrollment detail in regards to the amount due. The department shall provide the community college system an anticipated budget each biennium as part of the retiree health budget process.

New Hampshire Retirement System; Definitions; Employer and Employee. Amend RSA 100-A:1, IV and V to read as follows:

IV. "Employer" shall mean (a) the state or any department, commission, institution, or agency of the state government by which an employee is paid through the office of the state treasurer with respect to their employees, (b) the state, the local school district, or other employers of teachers eligible for membership in the system with respect to the teachers in their employ, (c) any police department or police force of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent policemen in their employ, (d) any fire department of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent firemen in their employ, (e) any political subdivision that has elected to participate under RSA 100-A:20, and (f) the community college system of New Hampshire for those full-time employees whose participation in the New Hampshire retirement system commences prior to January 1, 2024; provided, however, that in no instance shall any employer contribute or participate in the retirement system unless by a reasonable determination of the board of trustees such employer qualifies as a governmental entity, political subdivision, agency, or instrumentality eligible to participate in the retirement system as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended. When 2 or more employers share or merge payroll functions, each employer shall continue to be considered a separate employer for the purposes of RSA 100-A.

V. "Employee" shall mean any regular classified, nonclassified, or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer, or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis, or any employee of the retirement system, or any full-time employee of the community college system of New Hampshire who began service prior to January 1, 2024, or of any of the groups authorized to participate under this chapter but excluding any person who is a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a member or attache of the general court or member of the executive council.

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

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

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

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

12 New Paragraph; The Liquor Commission; Funds; Authority for Employee Incentive Program.

Amend RSA 176:16 by inserting after paragraph V the following new paragraph:

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

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

14 Department of Corrections; Unclassified Positions Established.

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

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

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

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

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

III. The salary of these positions shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.
IV. Upon completion of the appointment of the positions identified in paragraph I, the following positions shall be abolished to allow for the transition of these classified positions with their available appropriations into the unclassified positions. Funding shall be transferred into expenditure class 011, within accounting unit 02-46-46-465010-8234, 02-46-46-469010-8232 and 02-46-46-463510-3372. The incumbents in the abolished classified positions shall be offered the opportunity to seek the commissioner’s appointment of the unclassified positions:

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

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

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

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

I. Licensed Nursing Assistant III, #44273.

II. Licensed Nursing Assistant I, #44291.

III. Administrator - Secure Psychiatric Unit, #16849.

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

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

I. The commissioner, assistant commissioner, director of personnel and information, director of rehabilitative services, and the division directors of the department shall be qualified to hold such positions by reason of education and experience.

II. The salaries of the commissioner, assistant commissioner, director of personnel and information, director of rehabilitative services, and the division directors of the department shall be as specified in RSA 94:1-a.

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

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

(a) Preparing agency budget requests.

(b) Developing and implementing procedures for assuring smooth operation of the various units within the commissioner’s office.
(c) Ensuring compliance with directives and procedures by the governor and general court.

(d) Implementing audit recommendations concerning the commissioner's office units.
(e) Carrying out the directives of the commissioner and assistant commissioner.

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

(a) Developing and implementing procedures for assuring smooth operation of the various units within the commissioner's office;
(b) Ensuring compliance with directives and procedures by the governor and general court; and
(c) Implementing audit recommendations concerning the commissioner's office units.

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

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

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

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

(a) Accounting, purchasing, and budget control.
(b) Personnel management.
(c) Property, contracts, and grants management.
(d) Data processing.
(e) Compiling, indexing, and managing data collected by all divisions, which shall be used to establish a departmental data base for use by all divisions of the department, and which shall be a public record.

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

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

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

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

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

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

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

19 Department of Justice; Attorney General; Deputy; Associates; Assistants. Amend RSA 21-M:3, VIII-IX to read as follows:
VIII. The attorney general shall appoint qualified applicants to serve as a hearing officer for appeals to any of the councils established under RSA 21-O. The attorney general and the commissioner of the department of environmental services may enter into a memorandum of understanding to transfer funds sufficient to fund the hearing officer position, clerical and support personnel and services, and related expenses. Such individual or individuals shall:

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

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

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

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

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

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

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

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

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

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

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

(d) Deliberate with] Receive advice from an advisory quorum of the council] before reaching conclusions on mixed questions of law and fact] as described in RSA 21-O:14;
(d) Decide all issues in the appeal including all questions of fact and law presented during the pendency of the appeal; and

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

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

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

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

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

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

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

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

(c) Provide all necessary clerical and support personnel and services in order to:

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

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

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

IX. [Repealed.]

X. [Repealed.]

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

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

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

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

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

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

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

V. A quorum of at least 3 members of the waste management council shall [hear all] serve in an advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any hearing for administrative appeals from department decisions relative to the functions and responsibilities of the division of waste management[; and shall decide all disputed issues of fact in such appeals.] in accordance with RSA 21-O:14. Such quorum shall be appointed by the chairperson; however, any member of the waste management council not appointed to the quorum may voluntarily attend any hearing and participate to the same degree as a member appointed by the chairperson.
24 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, IV to read as follows:

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

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

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

(b) On appeal, the [council] hearing officer may affirm the department decision or may remand the matter to the commissioner with a determination that the decision complained of is unlawful or unreasonable. The [council] hearing officer shall specify the factual and legal basis for its determination and shall identify the evidence in the record created before the council that supports its decision.

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

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

(2) Appeal as provided in paragraph III.

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

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

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

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

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

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

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

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

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

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

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

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

27 Water Management and Protection; Water Pollution and Waste Disposal; Sewage Disposal Systems; Fees. Amend RSA 485-A:30, I-b to read as follows:
I-b. [There is hereby established the subsurface systems fund into which] The fees collected under paragraph I shall be deposited in the water resources fund established in RSA 482-A:3, III [The fund shall be a separate, nonlapsing fund, continually appropriated to the department] for the purpose of paying all costs and salaries associated with the subsurface systems program and other land resources management programs.

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

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

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

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

II. All applications shall be accompanied by a $50 fee to cover department expenses for conducting the certification program. All fees shall be deposited in a special nonlapsing and continuously appropriated wastewater plant operator certification fund to be used by the department for the administration of this subdivision and for the operation of the department-owned Wastewater Plant Operator Training Center.

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

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

32 Appropriation; Department of Environmental Services; Municipal Water Pollution Control. There is hereby appropriated to the department of environmental services the sum of $27,900,000 for the fiscal year ending June 30, 2023 for the purpose of administering payments pursuant to RSA 486:1 – RSA 486:8. The sum appropriated shall be nonlapsing for the biennium concluding June 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.
33 Effective Date. Section 32 of this act shall take effect June 30, 2023.

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

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

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

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

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

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

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

CHAPTER 483-F

PCB ASSISTANCE

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

483-F:2 Definitions. In this chapter:

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

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

483-F:3 PCB Assistance Fund.
I. There is hereby established in the department the PCB assistance fund which shall be maintained in distinct and separate custody from all other funds, notwithstanding RSA 6:12. All moneys in the fund shall be nonlapsing and continually appropriated to the department of environmental services for the purposes of this chapter.

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

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

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

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

40 New Chapter; Office of Regulatory Review, Reduction, and Government Efficiency. Amend RSA by inserting after Chapter 12-O the following new chapter:

CHAPTER 12-P
OFFICE OF REGULATORY REVIEW, REDUCTION, AND GOVERNMENT EFFICIENCY

I. There is hereby established an office of regulatory review, reduction, and government efficiency. The office shall be an independent agency administratively attached to the department of business and economic affairs pursuant to RSA 21-G:10. For the purposes of this chapter, “private industry” shall be defined as any entity, persons, or representative thereof, who generate commerce in the state of New Hampshire. The office shall consist of the following:

(a) An executive director, appointed by the governor and council, who shall have experience from the private and public sector, as well as with state regulations. The executive director shall serve a 4-year term and until a successor is appointed and qualified.

(b) An advisor of private industry efficiency appointed by the executive director who shall have experience in private industry specifically dealing with and navigating government regulations.

(c) An advisor of state government efficiency appointed by the executive director, who shall have experience in public service and government with experience in interagency regulation.
(d) One staff member to be appointed by the executive director. When filling this position, the executive director should consider appointing a business analyst or attorney with experience working with New Hampshire's regulatory agencies.

12-P:2 Powers and Duties. The office of regulatory review, reduction, and government efficiency, through the advisor of private industry efficiency, shall have the power and duty to petition for, initiate, appear or intervene in any proceeding concerning rulemaking before any board, commission, agency, or regulatory body in which the interests of private industry in New Hampshire are involved and to represent the interests of such industries.

III. The executive director, with the assistance of the advisor of private industry efficiency, shall work in collaboration with private industry, executive agencies, the legislature, and any other parties the executive director deems appropriate to produce objective scoring criteria, within 6 months of initial appointment of the executive director, that may be used to determine the unnecessary regulatory burden existing rules have and proposed rulemaking could have on private industry. The regulatory review, reduction, and government efficiency may use such objective scoring criteria and reports generated from it in furtherance of paragraph II and to inform and advise the public, executive agencies, and the legislature and its committees about the impacts of existing or proposed rules on private industry.

IV. The objective scoring criteria shall be made public upon its completion and updated from time to time as the executive director deems fit.

V. The regulatory review, reduction, and government efficiency, through the advisor of private industry efficiency, shall accept complaints and comments from private industry regarding existing or proposed rules and use the objective scoring criteria pursuant to paragraph II to determine if existing or proposed rules present an unnecessary regulatory burden to such private industry. Within 6 months from initial appointment of the executive director, the office shall have an online presence whereby private industry may submit complaints and comments.

VI. The executive director, with the assistance of the advisor of state government efficiency, shall work in collaboration with executive branch agencies to evaluate current practice and interagency communications and procedures in order to continually improve efficiencies and eliminate duplicity and unnecessary impediments.

VII. The advisor of state government efficiency shall annually review all boards and commissions within the office of professional licensure and certification and produce a report to the executive director consisting of recommendations to increase efficiencies and remove redundancies.

VIII. The executive director shall have the authority to contract for outside consultants within the limits of funds available to the office.

12-P:3 Submission of Proposed Agency Administrative Rules. Executive agencies shall submit all proposed rules to the regulatory review, reduction, and government efficiency at least 30 days prior to their initial public hearing pursuant to RSA 541-A:11.
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41 Appropriation; Department of Business and Economic Affairs; Office of Regulatory Review, Reduction, and Government Efficiency. The sum of $750,000 for the fiscal year ending June 30, 2024 and the sum of $750,000 for the fiscal year ending June 30, 2025 are hereby appropriated to the department of business and economic affairs for administration of the office of regulatory review, reduction, and government efficiency established under RSA 12-P. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

42 New Subdivision; Historic Housing Preservation Tax Credit. Amend RSA 204-C by inserting after section 92 the following new subdivision:

Historic Housing Preservation Tax Credit

204-C:93 Definitions. For the purposes of this subdivision:

I. “Contributor” means an investor providing cash or a pledge to the authority for a project in exchange for a tax credit.

II. “Eligible applicant” means any owner of a historical structure that is a for-profit or nonprofit organization licensed to do business in the state, is a political subdivision of the state, or is a public corporation established under the laws of the state.

III. “Eligible structure” means any historical structure that is intended for residential use and is intended to be income-generating. It includes those currently used as residences and those intended to be converted to residential use. It also includes properties that are or will be primarily used for residential purposes, but that may have other uses that are non-residential. It does not include any property that is or is intended solely to be the private residence of the owner.

IV. “Historical structure” means a structure that:

(a) Is listed on the National Register of Historic Places or the State Register of Historic Places;

(b) Has been determined by the National Park Service to be a certified historic structure;

(c) Possesses characteristics that make it eligible for listing on either the National Register of Historic Places or the State Register of Historic Places; or

(d) Possesses other historical characteristics that make it worthy of preservation.

V. “Pledge” means a written agreement between the authority and a contributor for the contributor to provide cash contributions in the future.

VI. “Project” means a plan to rehabilitate a historical structure.

204-C:94 Historic Housing Preservation Tax Credit Established.

I. The authority shall adopt rules establishing a competitive process for eligible applicants seeking investor contributions for projects.

II. Contributions may be made to the authority by investors for specific projects.
III. An investment tax credit equal to 65 percent of the contribution made to the authority during the contributor's tax year shall be allowed against any of the following individually or in combination:

(a) Taxes imposed by RSA 77-A.
(b) Taxes imposed by RSA 77-E.
(c) Taxes imposed by RSA 400-A.

IV. Credits provided by this section applied against the liabilities imposed by RSA 400-A and RSA 77-E shall be deemed to be taxes paid for the purpose of RSA 77-A:5, III and X, respectively.

V. The credit or any unused portion thereof may be carried forward for no more than 5 succeeding years, but shall not exceed $1,000,000 in any given tax year.

VI. (a) The credit provided by this section shall be available to contributors on or after contributions for which credit is to be taken are actually received by the authority.
(b) Contributions received by the authority for which credit is to be taken shall not exceed $5,000,000 in any state fiscal year. Contributions received by the authority in excess of $5,000,000 in any state fiscal year shall not be eligible for credit in such fiscal year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such fiscal year.

VII. Estimated tax payments under RSA 400-A:32 due and payable after the date of contribution to the authority may be reduced by the credit allowable under this section.

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

InvestNH Fund and Program

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

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

44 New Subparagraph; Application of Receipts; InvestNH Program. Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:
Moneys deposited in the InvestNH fund as established in RSA 12-O:69.

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

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

Appropriation; Affordable Housing Fund. The sum of $25,000,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the housing finance authority for deposit in the affordable housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching funds for affordable housing. The appropriation shall be in addition to any other funds appropriated to the housing finance authority and shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

Appropriation; Department of Health and Human Services; Juvenile Peer-to-Peer Grief Support. There is hereby appropriated the sum of $1,500,000 for the fiscal year ending June 30, 2023, to the department of health and human services for the purpose of funding juvenile peer-to-peer grief support programming. This shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Effective Date. Section 49 of this act shall take effect June 30, 2023.

Repeals; Advanced Manufacturing Education. The following are repealed:

I. RSA 188-E:21, relative to the advanced manufacturing education advisory council.

II. RSA 188-E:22, relative to the advanced manufacturing education advisory council membership and terms.

III. RSA 188-E:23, relative to the advanced manufacturing education advisory council duties.

IV. RSA 188-E:23-a, relative to the advanced manufacturing education fund.

52 New Hampshire Excellence in Higher Education Endowment Fund; Definitions. Amend RSA 6:37 through RSA 6:40, and the preceding subdivision heading, to read as follows:


6:37 Definitions. In this subdivision:

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

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

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

I. There is hereby established [in the office of the treasurer] the New Hampshire excellence in higher education [endowment] trust fund which shall be kept separate and distinct from all other funds. Annual assessments less any annual administrative costs received from the New Hampshire college tuition savings plan scholarship commission established under RSA 195-H shall be credited to the trust fund [to provide scholarships for the benefit of residents of the state pursuing programs of study at eligible educational institutions within the state] and allocated for the following purposes:

(a) To provide direct scholarships to New Hampshire residents attending New Hampshire institutions of higher education; and

(b) For the unique endowment allocation program. Beginning in fiscal year 2025, no more than 10 percent shall be provided for this purpose; and

(c) For the workforce development student debt relief fund established in RSA 162-T:3 for the purpose of providing student debt relief. Beginning in fiscal year 2025, no less than 50 percent shall be provided for this purpose.

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

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

6:39 Administration.

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

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

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

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

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

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

I. Establishing minimum qualifications of direct scholarship applicants.
II. Instituting a direct scholarship application process, which includes but is not limited to requiring that all applicants complete a formal scholarship application on appropriate forms to be developed by the commission and time frames for the application process.

III. Procedures for awarding and disbursing direct scholarships.

IV. Procedures for determining the amount of funds available to provide annual direct scholarships through the trust fund.

V. Any other issue which the commission deems relevant to the implementation and administration of the scholarship program.

VI. Requiring disclosure regarding any scholarship funds, or portion thereof, which are or may be returned to the trust fund.

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


54 Workforce Development Student Debt Relief Program. Amend the chapter heading of RSA 162-T and RSA 162-T:1 to 162-T:3 to read as follows:

[REGENERATIVE MANUFACTURING]
WORKFORCE DEVELOPMENT
STUDENT DEBT RELIEF PROGRAM

162-T:1 Declaration of Need and Purpose. It is declared that there is a statewide need for the preservation and development of a skilled workforce for the betterment of the economy of the state and its inhabitants[; and in particular for the development and preservation of a regenerative manufacturing workforce]. It is the purpose of this chapter to provide for the development, attraction, and retention of skilled, qualified, and productive workers within the state who will be capable of supporting the preservation, establishment, and redevelopment of business and industry, preserving or increasing the social welfare or economic prosperity of the state or its political subdivisions, and promoting the general welfare of the state’s citizens. It is further declared that the business finance authority (hereinafter the “authority”), acting pursuant to the powers granted in this chapter shall be regarded as performing an essential governmental function in carrying out the provisions of this chapter.

162-T:2 [Acquisition] Forgiveness of Student Loans of Qualified New Hampshire Employees.

I. The business finance authority, as defined under RSA 162-A:2, I, [as] and established and authorized under RSA 162-A (hereinafter the “authority”), may expend [or loan money] funds provided by this chapter upon such terms and conditions as prescribed by the authority to acquire loans or other evidences of forgive education indebtedness incurred by persons for the purpose of financing postsecondary education. [and to provide for deferment of forgiveness of
repayment of such education indebtedness pursuant to a program or programs established by the
authority and approved by the governor and council pursuant to this chapter.

II. In granting deferment to any loan or other evidence of education indebtedness incurred
by persons for the purpose of financing postsecondary education, the authority shall cause no
interest to accrue to the principal of the loan during any period of deferment it offers.

III. Any student indebtedness that may be subject to a program or programs established by
the authority under this chapter shall meet the following minimum requirements:

(a) The person shall have [achieved academic requirements such as] an associate’s
degree, undergraduate degree, graduate degree, or other evidence of academic
achievement [as has been] as determined by the authority, provided that any such degree or
academic achievement shall be from a regionally accredited institution; and

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

(c) No forgiveness of such student indebtedness shall be effected unless the person shall
have been [employed to perform primarily active regenerative manufacturing business activities at a
location within New Hampshire for a minimum period of 5 years] a qualified employee as defined
in paragraph IV for a minimum of 3 years.

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

(a) Is a New Hampshire resident and performs services as a full-time employee
principally at a location within New Hampshire; and

(b) The person is employed:

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

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

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

(4) In additional positions or by companies within additional industries
which shall be determined from time to time by the commissioner of the business and
economic affairs, with input and assistance from the council of partner agencies
established under RSA 12-O:7, the commission established under RSA 162-T:6, and other
public and private organizations with whom it chooses to work, consistent with the 10-year
economic development strategy and operating plan developed under RSA 12-O:24.
IV. Prior to the expenditure [or loan] of any money under this section, the authority shall enter into one or more agreements with any person obligated to make payments under education indebtedness to provide for the conditions on which the expenditures[/deferments] or forgiveness will be made, the terms of [repayment of] such expenditure [or loan], the time and manner of such [repayment] expenditure, [the form and amount of security if any, to be pledged to the authority for such repayment] and such other provisions as the authority may determine are necessary or desirable.

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

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

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

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

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

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

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

VI. The total amount of indebtedness of qualified employees in qualified regenerative manufacturing companies as defined in RSA 77-A:1, XXX which is subject to forgiveness under this chapter shall not at any time exceed $3,000,000.

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

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

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

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

I. There is established within the authority a [state regenerative manufacturing] workforce development student debt relief fund, which shall be held by the authority [apart separate] from all of its other funds. Annual state appropriations and other funds from state or federal sources, and any gifts, grants, or donations, shall be credited to the fund. The [state regenerative manufacturing] workforce development student debt relief fund shall be administered by the authority and shall be used for the [sole purposes of carrying out the purposes of RSA 162-T:2] purposes set forth in this chapter. The fund shall annually allocate 5 percent of new fund contributions to the authority to administer the program. The authority shall invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the fund for the purpose of providing [regenerative manufacturing worker educational] debt relief as provided in this section.

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

55 Workforce Development Student Debt Relief Program; Issuance of Bonds. Amend RSA 162-T:4, I to read as follows:

I. The authority may issue bonds pursuant to this section which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 162-A:17. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter to make expenditures under RSA 162-T:2, to pay or refund any bonds issued pursuant to this section or interest thereon, or to pay the costs and expenses of the authority. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. The bonds shall be issued by the authority in such amounts as the board shall determine[not exceeding the aggregate at any time $5,000,000]. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authority, and shall mature at such time or times as may be determined by the authority, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions...
as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form and details of the bond. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the authority may determine.

56 Workforce Development Student Debt Relief Program; Reporting. Amend RSA 162-T:5 to read as follows:

162-T:5 Reporting and Approval Regarding Workforce Development Student Debt Relief Program. The business finance authority shall undertake to design the terms, conditions, and provisions of the [regenerative manufacturing] workforce development student debt relief program authorized by this chapter. The authority shall deliver to the fiscal committee of the general court, the house ways and means committee, and the senate ways and means committee, a report on the progress of its efforts to develop such terms, conditions, and provisions every 6-month period, on September 1 and March 1, following the effective date of this chapter. Prior to taking any action to implement a final workforce program pursuant to this chapter, the authority shall first present the program to the fiscal committee of the general court and receive the approval of such committee.

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

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

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

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

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

(c) One member appointed by the governor.

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

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

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

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

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

(c) Reviewing all other aspects of the program and proposing any legislative changes which the commission deems necessary for the successful operation of the program.
III. The commission may solicit information from any person or entity the commission deems relevant to its duties.

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

V. The commission shall submit a report no later than November 1, 2024 and annually thereafter, to the senate president, the speaker of the house of representatives, and the governor, based on the information specified in paragraph II and recommending any legislative changes which the commission deems necessary.

58 College Tuition Savings Plan; Definitions. Amend RSA 195-H:1, I to read as follows:

I. "Commission" means the New Hampshire college tuition savings plan advisory scholarship commission.

59 College Tuition Savings Plan. Amend the section heading of RSA 195-H:2 and the introductory paragraph in RSA 195-H:2, I(a) to read as follows:

195-H:2 [Advisory Scholarship] Commission Established; Reports.

I.(a) There is established the New Hampshire college tuition savings plan advisory scholarship commission which shall ensure the proper administration and management of the savings plan. The advisory commission shall ensure that the savings plan complies with the requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the savings plan. The commission shall also be responsible for ensuring the proper administration, implementation, and management of the New Hampshire excellence in higher education endowment trust fund established in RSA 6:38, and the governor's scholarship program and fund established in RSA 195-H:11-14. The commission, by a majority vote, may transfer funds between the New Hampshire excellence in higher education endowment trust fund and the governor's scholarship fund. The commission shall consist of the following members:

60 College Tuition Savings Plan; Rulemaking. Amend RSA 195-H:3, VIII to read as follows:

VIII. The administration, implementation, and promotion of the New Hampshire excellence in higher education endowment trust fund established in RSA 6:38.

61 College Tuition Savings Plan; Program Transferred. Amend 2019, 346:437 to read as follows:

346:437 Program Transferred. The administration, implementation, and management of the governor's scholarship program established in RSA 4:C:31-34 is hereby transferred to the college tuition savings plan advisory scholarship commission established in RSA 195-H:2. Any administrative rules for the governor's scholarship program shall continue in effect and shall be enforced by the commission until such rules expire or are repealed or amended in accordance with applicable law.
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62 New Section; Department of Education. Amend RSA 21-N by inserting after section 12 the following new section:

21-N:13 Computer Science and STEM; Administrator. There is established a position within the department of education who shall be a classified employee at no less than the level of administrator II. The computer science and STEM position shall be qualified to hold such position by reason of education and experience. The position shall be subject to any other employment requirements as determined by the department. The computer science and STEM position shall coordinate and provide assistance to oversee the computer science educator program established in RSA 200-O. The computer science and STEM position shall:

I. Coordinate and provide technical assistance to all public schools in the state that participate in the computer science educator program.

II. Assist educators in the state that pursue eligible industry recognized credentials and utilize the computer science professional development fund.

III. Assist with administering the computer science professional development fund and computer science educator incentive fund.

IV. Coordinate and provide technical assistance with those school and educators that partake in the experiential robotics platform.

V. Serve as a resource for administrators and educators regarding computer science and STEM.

63 New Chapter; Computer Science Educator Program. Amend RSA by inserting after chapter 200-N the following new chapter:

CHAPTER 200-O

COMPUTER SCIENCE EDUCATOR PROGRAM

200-O:1 Purpose. The purpose of this chapter is to promote broader computer science education in New Hampshire with the goal of preparing more students for employment opportunities in this field and to establish the administrator of computer science education and STEM within the department of education.

200-O:2 Definitions. In this chapter:

I. “Computer Science Administrator” refers to the computer science and STEM administrator established in RSA 21-N:13.

II. “Eligible Industry Recognized Credential” or "IRC" refers to those industry recognized credentials in computer science or related fields that are approved by the computer science administrator to expand computer science education for participation in the below funds.

III. “Full time or equivalent” refers to the amount of time an individual engages in instruction in a New Hampshire education program, which shall be considered full-time or equivalent if it includes instruction of not less than 4 one-credit classes per semester or instruction of no less than 80 students over the course of a semester.
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200-O:3 Computer Science Professional Development.

I. The department shall determine, in coordination with the computer science administrator to expand computer science education, industry recognized credentials eligible for reimbursement and the amount of reimbursement. Any such reimbursements shall be based on the successful attainment of an eligible IRC.

II. The department of education shall create an application process, which it shall publish on or before 6 months from the effective date of this act, for New Hampshire certified educators to seek reimbursement for all or a portion of the cost of obtaining an eligible industry recognized credentials in the field of computer science. The process shall include a list of eligible industry recognized credentials and the amount of reimbursement for successful attainment.

200-O:4 Computer Science Educator Credential.

I. The department of education shall adopt through rulemaking pursuant to RSA 541-A, a computer science educator credential that permits individuals holding eligible industry recognized credentials to receive a New Hampshire certified educator credential in the area of computer science. Such individuals shall be qualified to teach in approved New Hampshire education programs.

II. Individuals teaching full time, or the equivalent, in an approved New Hampshire computer science education program shall be eligible for a $5,000 bonus for the first year of teaching, and $2,500 each year for the next 2 years of teaching. Only completed years of teaching shall be eligible and there shall be no proration for partial years.

200-O:5 Experiential Robotics Platform (XRP). As part of the STEM initiative for New Hampshire schools, experiential robotics platform, 5,500 robotics kits shall be made available for all New Hampshire classrooms for grades 6-12 for the fiscal year ending June 30, 2023. The program shall consist of standards-based curriculum and hands-on resources, designed to facilitate competency-based learning in the classroom.

64 Appropriations; Department of Education; Computer Science Professional Development.

I. There is hereby appropriated to the department of education the sum of $500,000 for the fiscal year ending June 30, 2023 for the purpose of encouraging New Hampshire certified educators to pursue eligible industry recognized credentials (IRC) in the field of computer science. This appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. There is hereby appropriated to the department of education the sum of $4,000,000 for the fiscal year ending June 30, 2023 for the purpose of encouraging individuals holding an eligible industry recognized credentials to teach computer science or related courses of study in New Hampshire approved education programs. This appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.
III. There is hereby appropriated to the department of education the sum of $455,000 for the fiscal year ending June 30, 2023 for the purpose of implementing the experiential robotics platform in all New Hampshire classrooms for grades 6-12 including but not limited to the purchase of robotics kits from First New Hampshire Robotics, Experiential Robotics Platform, career and technical education of community college fabrication sites, and professional development delivery and support. The sum appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. The department of education may retain up to 3 percent, or not more than $50,000, of the total annual appropriation of the computer science educator professional development funds to be used to administer the program under these funds.

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

66 New Subdivision; Bridges House Special Account. Amend RSA 4:9 by inserting after section 4:9-r the following new subdivision:

Bridges House Special Account

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

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

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

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

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

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


70 Appropriation; Department of Corrections; New Hampshire State Prison Fund Established 2023. There is hereby appropriated to the department of corrections the sum of $10,000,000 for the fiscal year ending June 30, 2023 for deposit in the state prison fund under RSA 21-H:17, for the purpose of designing and constructing a new state prison. The sum appropriated shall not lapse.
The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

71 Effective Date. Sections 68-70 of this act shall take effect June 30, 2023.

72 Appropriation; Department of Corrections; New Hampshire State Prison; 2024. There is hereby appropriated to the department of corrections the sum of $40,000,000 for the fiscal year ending June 30, 2024 for deposit in the state prison fund under RSA 21-H:17 for the purpose of designing and construction a new state prison. The sum appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

74 Effective Date. Section 73 of this act shall take effect on June 30, 2023.

75 Appropriation; Department of Administrative Services. There is hereby appropriated to the department of administrative services the sum of $21,000,000 for the fiscal year ending June 30, 2023 for the purpose of purchasing 2 Granite Place, Concord, New Hampshire in order to provide office space for the department of justice and other state agencies, or for any other purpose the commissioner of the department of administrative services determines is necessary, provided that any unexpected amount following the purchase shall lapse to the general fund. The sum appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the treasury not otherwise appropriated.

76 Effective Date. Section 75 of this act shall take effect on June 30, 2023.

77 Appropriation; Department of Administrative Services. There is hereby appropriated to the department of administrative services the sum of $10,000,000 for the fiscal year ending June 30, 2023 for the purpose of constructing a new youth detention center. The sum appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the treasury not otherwise appropriated.

78 Effective Date. Section 77 of this act shall take effect on June 30, 2023.

79 Appropriation; Department of Administrative Services. There is hereby appropriated to the department of administrative services the sum of $15,000,000 for the fiscal year ending June 30, 2023 for the purpose of constructing a new legislative parking garage on the site of the department of justice building located at 33 Capitol Street, Concord, New Hampshire. The sum appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the treasury not otherwise appropriated.

80 Effective Date. Section 79 of this act shall take effect on June 30, 2023.
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   81 Appropriation; Body-Worn and Dashboard Camera Fund. There is hereby appropriated to
the department of Safety for deposit in the body-worn and dashboard camera fund established in
RSA 105-D:3 the sum of $1,005,000 for the fiscal year ending June 30, 2023. The sum appropriated
shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the
treasury not otherwise appropriated.

   82 Effective Date. Section 81 of this act shall take effect on June 30, 2023.

   83 Department of Natural and Cultural Resources; Christa McAuliffe Memorial.

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

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

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

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

   84 Appropriation; Christa McAuliffe Memorial. There is hereby appropriated to the department
of natural and cultural resources which shall be placed in a special nonlapsing account in the state
treasury, the sum of $500,000 for the fiscal year ending June 30, 2023 for the purpose of designing,
constructing, and maintaining a permanent memorial to Christa McAuliffe on state house grounds,
specifically the front facing area of the state house. The sum appropriated shall not lapse. The
governor is authorized to draw a warrant for said sum out of any money in the treasury not
otherwise appropriated.

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

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

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

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

   (a) Three public members appointed by the governor.
(b) The chair of NH Civics, or designee.
(c) The Chief Justice of the New Hampshire Supreme Court, or designee.
(d) The Secretary of State, or designee.
(e) The Chief Administrative Judge of the New Hampshire Superior Court, or designee.
(f) The Chief Administrative Judge of the New Hampshire Circuit Court or designee.
(g) The commissioner of the department of education, or designee.
(h) Two New Hampshire civics teachers appointed by the commissioner of education.
(i) Two members of the house of representatives, appointed by the speaker of the house of representatives.
(j) One member of the senate, appointed by the president of the senate.
(k) One member of the governor’s office, appointed by the governor.

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

(a) A paper copy of the published textbook shall be available for each New Hampshire civics classroom and an interactive electronic version shall be made available on the department of education’s website or in another form to all New Hampshire citizens at no charge.
(b) The commission shall meet as often as the chair determines and shall publish the book on or before August 1, 2025.

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

87 Appropriation; Department of Education; Commission on New Hampshire Civics. There is hereby appropriated to the department of education, commission on New Hampshire civics the sum of $2,000,000 for the fiscal year ending June 30, 2023, which shall not lapse, for the purposes of creating a New Hampshire civics textbook to be distributed to every New Hampshire civics classroom.

88 Effective Date. Section 87 of this act shall take effect June 30, 2023.

89 Appropriation; Department of Health and Human Services. There is hereby appropriated to the department of health and human services, governor’s commission on alcohol and other drugs, the sum of $2,054,360 for the fiscal year ending June 30, 2023 which shall not lapse until June 30, 2025, for the purpose of Granite United Way administering the Recovery Friendly Workplace Initiative which promotes individual wellness for granite staters by empowering workplaces to provide support for people recovering from substance use disorder. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

90 Effective Date. Section 89 of this act shall take effect June 30, 2023.
91 Appropriation; Department of Education. There is hereby appropriated to the department of education the sum of $250,000 for the fiscal year ending June 30, 2023 which shall not lapse until June 30, 2025 for the purpose of expanding the Teacher of the Year program by providing promotional, training, professional development, and collaboration with other stakeholder’s opportunities.

92 Effective Date. Section 91 of this act shall take effect June 30, 2023.

93 New Sections; Northern Border Alliance Program. Amend RSA 21-P by inserting after section 68 the following new sections:

1. The commissioner of safety shall establish a northern border alliance program which shall make grants available to other state, county, and local law enforcement agencies, and also provide funding for the division of state police for the following purposes:

   (a) Overtime costs for officers performing law enforcement activities under this program.

   (b) Equipment for use in performing law enforcement activities under this program.

   (c) Training costs, including overtime backfill, for officers participating in this program.

II. The commissioner shall establish protocols and conditions for increased state police patrols and conditions for eligibility for grants to other state, county, and local law enforcement agencies. The protocols and conditions shall focus on reducing the instance of crimes and illicit activity occurring within 25 air miles from the Canadian border. The protocols and conditions shall:

   (a) Establish state police as the lead agency for scheduling patrol and coordination with participating agencies.

   (b) Ensure that officers assigned to patrols are relieved of taking calls for service absent an emergency.

   (c) Ensure that the officers assigned to such patrol units have been trained on state and, if applicable, federal policies, laws and constitutional provisions.

III. The program shall include the following prohibitions on allowable uses of funds:

   (a) No funds shall be granted for "purchase of evidence" or for "confidential funds."

   (b) No funds shall be used for supplanting locally budgeted and approved funds for routine law enforcement.

IV. The program shall include semi-annual reporting, to the governor, senate president, and speaker of the house of representatives, which includes measurable program results and a detailed accounting of program funding and uses. The first report shall be submitted on or before December 31, 2023.

21-P:69 Northern Border Alliance Program.

I. There is hereby established the northern border alliance fund within the department of safety for the purpose of make grants available to other state, county, and local law enforcement agencies, and also provide funding for the division of state police to reduce the instance of crimes and
iliicit activity in close proximity to the Canadian border. All moneys in the fund shall be nonlapsing
and continually appropriated to the department of safety

II. The fund shall be overseen by the commissioner of the department of safety who shall,
within 180 days of the effective date of this section, establish a process for the application for grants
from the fund. Such process shall be established in rules adopted in accordance with RSA 541-A.

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

94 Appropriation; Department of Safety; Northern Border Alliance Program.

I. The sum of $1,435,384 for the fiscal year ending June 30, 2023 is hereby appropriated to
the department of safety and shall be nonlapsing. This sum shall be expended as follows:

(a) $619,641 shall be expended by state police for the purpose of funding overtime
patrols, related training activities and purchase equipment in support of the northern border
alliance program.

(b) The sum of $815,743 is hereby appropriated to the department of safety to disburse
grants to other state, county, and local law enforcement agencies for the purpose of funding overtime
costs for county and local law enforcement officers performing law enforcement activities
attributable to the northern border alliance program established in RSA 21-P:69.

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

95 Effective Date. Section 94 of this act shall take effect on June 30, 2023.

96 Authority and Duties of Police Employees. Amend RSA 106-B:12 to read as follows:

106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis
constables throughout the state. They shall have statewide authority to enforce all provisions of
RSA title XXI relative to motor vehicle laws and the regulations relative to the transportation of
hazardous materials, pursuant to RSA 106-A:18 and RSA 106-B:15. The director, division of state
police, shall report to the director, division of motor vehicles, all violations of and prosecutions under
the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the
state and to serve criminal processes and make arrests, under proper warrants, in all counties. They
shall not serve civil processes. No police employee shall act, be used or called upon for service within
any town in any industrial dispute unless actual violence has occurred therein, and then only upon
order of the governor. When any police employee shall apprehend any person who has committed or
attempted to commit a felony the director shall immediately make a report to the attorney and the
sheriff of the county and the chief of police of the municipality in which the offense was, or was
suspected of being, committed and such cases shall be investigated and prosecuted by said county
officials with the cooperation of said police employees. Further, police employees acting within
25 air miles of the international border with Canada, shall have the same authority and
powers granted to forest rangers and officials of the division of forests and lands pursuant to RSA 227-G:7 and RSA 227-G:8.

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

98 Effective Date. Section 97 of this act shall take effect June 30, 2023.

99 Appropriation; Governor's Commission on Alcohol and Other Drugs. The sum of $1,500,000 for the fiscal year ending June 30, 2024 and $1,500,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the governor’s commission on alcohol and other drugs for the purpose of ensuring consistent and quality student assistance programming across the state including increased focus to engage more New Hampshire middle schools in youth risk behavior surveys. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

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

101 Repeal. RSA 82-A, relative to the communications service tax, is repealed.

102 Returns for Communications Services Taxes; 2023. All persons who are liable for a tax under RSA 82-A as of July 1, 2023, who thereafter are no longer liable for a tax under RSA 82-A because of the passage of section 5 of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 82-A shall remain in effect to permit the audit and collection of taxes upon income taxable under RSA 82-A which is received by persons subject to taxation under that chapter through July 1, 2023, and to permit distribution of that revenue.

103 New Subparagraph; Department of Revenue Administration; Investigations. Amend RSA 21-J:1 by inserting after subparagraph II(c) the following new subparagraph:

(d) In order to assist the bureau of emergency communications, division of emergency services and communications, of the department of safety, in its administration of RSA 106-H:9, the department or any officer or employee of the department designated by the commissioner, may
undertake investigations concerning matters covered by RSA 106-H:9 and may examine any books, papers, records, or memoranda bearing upon the business transacted or purchased by any such retailer or taxpayer.

104 New Paragraph; Department of Revenue; Rulemaking Authority. Amend RSA 21-J:13 by inserting after paragraph XIV the following new paragraph:

XV. The undertaking of investigations concerning matters covered by RSA 106-H:9 and RSA 21-J:1, II(d).

105 Enhanced 911 System. Amend RSA 106-H:9, III(a) to read as follows:

III.(a) Notwithstanding any other provision of law, and except as otherwise provided in RSA [82-A] 21-J:1, II(d), the records and files of the department, related to this section, are confidential and privileged. Neither the department, nor any employee of the department, nor any other person charged with the custody of such records or files, nor any vendor or any of its employees to whom such information becomes available in the performance of any contractual services for the department shall disclose any information obtained from the department's records, files, or returns or from any examination, investigation, or hearing, nor may any such employee or person be required to produce any such information for the inspection of any person or for the use in any action or proceeding except as provided in this paragraph.

106 Enhanced 911 System. Amend RSA 106-H:9, III(b)(3) to read as follows:

(3) Disclosure to the department of revenue administration of records, files, and information required by the department of revenue administration to administer [the communications services tax pursuant to RSA 82-A] RSA 21-J:1, II(d) and to assist the bureau in its administration of RSA 106-H:9.

107 Property Taxes; Public Utilities. Amend RSA 72:12 to read as follows:

72:12 Public Utilities. All real estate of railroads and other public utility corporations and companies which is not taxed under RSA 82 [and 82-A] shall be appraised and taxed by the authorities of the town in which it is situated.

108 Department of Revenue Administration; Substantial Understatement Penalty; Reference Removed. Amend RSA 21-J:33-a, I to read as follows:

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

109 Tax Expenditure and Potential Liability Report; Reference Removed. Amend RSA 71-C:4, I and II to read as follows:

I. On or before December 15 of every fiscal year the commissioner of the department of revenue administration shall certify in a report to the general court and the governor an analysis of each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed
II. The report shall be divided into the following parts:

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

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

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

(2) Credit carryovers from overpaid taxes.

110 State of Emergency Waivers for Out-of-state Businesses and Employees; Definition of Communications Services. Amend RSA 319-D:1, I to read as follows:

I. "Communications services" [has the same meaning as provided in RSA 82-A:2, III] means services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable of 2-way communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; mobile telecommunications services; prepaid wireless telecommunications services; VoIP; facsimile services; specialized mobile radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. "Communications services" shall not include:

(a) Value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission;

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services;

(c) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such
person required for the selection of such programming other than by use of the same facility by which such transmission was received; or

(d) Internet access.

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

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

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

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

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

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

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

273:11-b Penalty Appeal Board.

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

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

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

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

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

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

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

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

115 Workers' Compensation; Payment for Second Injuries From Special Fund. Amend RSA 281-
A:54 to read as follows:

281-A:54 Payment for Second Injuries From Special Fund.

I. If an employee who has a permanent physical or mental impairment, as defined in RSA
281-A:2, XIV, from any cause or origin incurs a subsequent disability by injury arising out of and in
the course of such employee's employment on or after July 1, 1975, but no later than September 1,
2024, which results in compensation liability for a disability that is greater by reason of the
combined effects of the preexisting impairment than that which would have resulted from the
subsequent injury alone, the employer or the employer's insurance carrier shall in the first instance
pay all awards of compensation provided by this chapter. However, the commissioner shall
reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all
compensation payments subsequent to those payable for the first 104 weeks of disability. Provided,
however, that prior to the first 104 weeks of disability, the employer shall be reimbursed 50 percent
after the first $10,000 paid on all compensation for temporary total, temporary partial, permanent
partial, permanent total, medical, or rehabilitation benefits for all injuries occurring on or after

II. If the subsequent injury of such an employee occurring on or after July 1, 1975, but no
later than September 1, 2024, shall result in the death of the employee and it shall be determined
that the death would not have occurred except for such preexisting permanent physical or mental
impairment, the employer or the employer's insurance carrier shall in the first instance pay the
compensation prescribed by this chapter. However, the commissioner shall reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all compensation payable in excess of 104 weeks, provided, however, that prior to the 104 weeks, the employer shall be reimbursed 50 percent over and above the first $10,000 of all compensation, medical, rehabilitation benefits, or funeral expenses which the employer was required to pay for all injuries occurring on or after January 1, 1991.

III. In order to qualify under this section for reimbursement from the special fund, an employer shall establish by written records, or by affidavit executed at the time of hire or retention in employment, that the employer had knowledge of the employee's permanent physical or mental impairment at the time that the employee was hired or at the time that the employee was retained in employment after the employer acquired such knowledge.

IV. The special fund shall not be bound as to any question of law or fact by reason of an award or an adjudication to which it was not a party or in relation to which it was not notified at least 3 weeks prior to the award or adjudication that it might be subject to liability for the injury or death.

V. An employer or insurance carrier shall notify the commissioner of any possible claim against the special fund as soon as practicable but in no event later than 100 weeks after the injury or death.

VI. Any employer or employer's insurance carrier seeking reimbursement under this section shall establish proof of eligibility as required in this section by September 1, 2024. Failure to establish proof of eligibility by September 1, 2024, shall render the claim against the special injury fund ineligible and bar reimbursement for compensation paid. Nothing in this section shall relieve the employer or employer's insurance carrier from making payment of awards in the first instance of compensation as provided in this chapter.

[VII] VII. Reimbursement for payments by an insurance carrier under this section shall be made periodically at the discretion of the commissioner by orders drawn on the state treasury to be charged against the special fund.

[VIII] VIII. No benefit shall be payable under this section for injuries or illnesses occurring prior to July 1, 1975 or after September 1, 2024; provided, however, that persons who incurred an injury or illness prior to July 1, 1975, which was of the type specified in former RSA 281:47 shall continue to be paid out of the special fund created by RSA 281-A:55.

[VIII] IX. Payments made by an employer or the employer's insurance carrier under RSA 281-A:25 and 281-A:32 shall be in lieu of payments under this section.

[X] X. Employers who incur costs for job modification for the purposes of retaining individuals, including those reinstated under RSA 281-A:25-a, for which a plan for modification has been approved by the commissioner shall be reimbursed 50 percent of the cost for such job modifications from the special fund for second injuries under RSA 281-A:55. Such reimbursement
shall not exceed $5,000 per employer per year. Before reimbursement shall be authorized, the
employer shall submit proof of completion of the plan for modification [to the commissioner for
approval] for reimbursement pursuant to rules adopted by the commissioner no later than
September 1 for modifications made during the preceding calendar year.

[XX] XI. An employer who reinstates an employee under RSA 281-A:25-a shall not be eligible
for reimbursement from this fund should the employee become injured.

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

275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and
sponsors family and medical leave insurance pursuant to RSA 21-I:99, then any employee of that
employer who takes family or medical leave and accesses wage replacement benefits under such
family and medical leave insurance coverage shall be restored to the position she or he held prior to
such leave or to an equivalent position by her or his employer consistent with the job restoration
provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
2601 et seq. Such employers shall continue to provide health insurance to employees during the
leave. However, employees shall remain responsible for any employee-shared costs associated with
the health insurance benefits. Such employers shall not discriminate or retaliate against any
employee for accessing family or medical leave wage replacement benefits. Employers of employees
participating in the granite state paid family leave plan may require that paid leave taken under
this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a
collective bargaining agreement or other established employer policy or the Family and Medical
Leave Act, as applicable. In addition, the commissioner may adopt rules under RSA 541-A to
facilitate administration and enforcement of this section.

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

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

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

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

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

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

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

I. The board shall hear and decide appeals from decisions of the commissioner relative to
contract interpretation or other decisions affecting persons not employed by the department,
municipalities, or private property, except condemnations of property for public uses, and the
assessment of damages therefor. Decisions of division directors shall be appealed to the
commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions relative to aeronautical matters, which may be appealed to the aviation users advisory board established under RSA 21-L:8[-9], and decisions relative to common carriers by rail, which may be appealed to the railroad appeals board established under RSA 21-L:16].

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

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

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

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

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

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

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

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

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

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

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

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

127 State Highways; Notice of Finding. Amend RSA 230:55 to read as follows:
230:55 Notice of Finding. Whenever the commissioner of transportation shall alter or relocate
any portion of any class I or class II highway, and finds that there is no further occasion to use such
portion for class I or class II highway purposes for property acquired by the state in 1945 or earlier,
the commissioner shall post notice of such finding in 2 public places in the town in which land is
situate and give notice in writing to the selectmen of such town. Notwithstanding any provision of
law to the contrary, the commissioner may discontinue any right-of-way, or portion thereof, that
was laid out by the state and declare property acquired after 1945 as surplus and dispose of it in

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

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

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

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

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

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

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

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

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

IV. The governor shall submit the STIP to the general court to be acted on no later than January 15 of each even-numbered year. [After an enactment] The STIP shall be enacted by the general court [of the STIP or] by June 1 of each even-numbered year[, whichever is earlier, each metropolitan planning organization and rural regional planning commission should continue its public involvement program by conducting at least one informational meeting concerning the STIP].

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

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

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

VIII. The metropolitan planning organizations shall have 60 days from the receipt of each amendment to prepare, receive public comments, approve and transmit the updated TIPs to the department of transportation. The department of transportation shall incorporate the TIP amendments into the STIP in whole, and submit the STIP for federal approval as required by 23 U.S.C. sections 134 and 135, as amended.
131 Unclaimed and Abandoned Property; Subsequent Claims. Amend RSA 471-C:31-a to read as follows:

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

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

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

(f) The department of environmental services and the department of energy shall submit a report to the house science, technology, and energy committee, and the senate energy and natural resources committee by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.

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

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

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

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

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

I. [By July 1] No earlier than July 1 and no later than July 15 of each year, each
provider of electricity shall submit a report to the department of energy, in a form approved by the
department of energy, documenting its compliance with the requirements of this chapter for the
prior year. The department of energy may investigate compliance and collect any information
necessary to verify and audit the information provided to the department of energy by providers of
electricity.

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

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

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

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

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

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

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

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

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

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

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

363-A:3 Certification of Assessment. It shall be the duty of the department of energy to calculate the amount to be assessed against each such public utility and each other entity subject to assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year, the department of energy shall estimate the total expenses for the fiscal year, and then, based on such estimate, shall calculate the amount to be assessed quarterly on [August 10, October 15, January 15] September 15, November 15, February 15, and April 15 of that fiscal year[. against each such public utility and other assessed entity in accordance with RSA 363-A:1 and RSA 363-A:2].

For entities with assessments less than $10,000, the department may bill those entities the entire amount on September 15 of that fiscal year. The department of energy shall then make a list showing the amount [due on August 10, October 15, January 15] assessed September 15, November 15, February 15, and April 15 of that fiscal year [from] to each of the several public utilities and other entities assessed under the provisions hereof, and, together with a statement of the full name and mailing address of each such public utility and other assessed entity, shall certify the same. After the close of each fiscal year, the department of energy shall ascertain the actual total expenses in accordance with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the assessment for the first [quarterly] or only payment of the new fiscal year for each such public
utility or other assessed entity for any underpayment or overpayment by each such public utility or other assessed entity for the prior fiscal year.

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

363-A:4 Collection. Upon the completion of each such list, [on or before August 10, October 10, January 10, and April 10] within 10 business days of September 15, November 15, February 15, and April 15 of each fiscal year, the department of energy shall bill each public utility and each other entity subject to assessment [for the quarterly amount assessed against it within 10 working days]. Such bill shall be sent [registered first-class or electronic mail, and shall constitute notice of assessment and demand for payment. Payment shall be made to the department of energy [within 30 days after the receipt of the bill]. After the expiration of 30 days from the receipt of an original bill] by the due date stated on the bill, which shall be set no sooner than 30 days after the date the bill is sent. If payment is not made by the due date, the department of energy may add to the assessment a late penalty fee and may commence an action at law for the recovery of the assessment. Within 30 days of the date the bill assessment for the first [quarterly] or only payment is sent, each public utility or other assessed entity which has any objection to the amount assessed against it for the prior fiscal year shall file with the department its objection in writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive, erroneous, unlawful, or invalid. If such objections are filed, the department, after reasonable notice to the objecting public utility or other assessed entity, shall hold a hearing on such objections, and if the department finds that said assessment or any part thereof is excessive, erroneous, unlawful, or invalid, the department shall reassess the amount to be paid by such public utility or other assessed entity, and shall order that an amended bill be sent to such public utility or other assessed entity in accordance with such reassessment. The department of energy shall not commence an action at law for recovery of any assessment for the first [quarterly] or only payment until any such objection has been resolved.

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

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

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

146 Effective Date. Section 145 of this act shall take effect June 30, 2023.

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

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

I. The commissioner of the department of energy shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified to hold that position by reason of education and experience. Directors of departmental divisions and the general counsel shall be subject to the supervisory authority of the commissioner, which authority shall include power to establish department and divisional policy as well as to control the actual operations of the department and all divisions therein. The commissioner is authorized to establish any advisory committees and programs which the commissioner may deem necessary to carry out the mission and operations of the department.

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

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

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

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

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

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

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

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

148 Auxiliary State Police. Amend RSA 106-B:19 to read as follows:

106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an
auxiliary state police force [of not more than 16 persons] for the purpose of providing emergency
services throughout the state for peacetime or wartime emergencies or threatened emergencies and
for augmenting the state police force in such manner as the director may deem appropriate.
Notwithstanding other provisions the director may recruit such auxiliary force from retired state or
local police. Such auxiliary force shall at all times be under the direction and control of the said
director and shall be subject to rules adopted by the director under RSA 541-A and shall be limited
to specific hours in any given calendar year for part-time police officers adopted in rules under RSA
541-A by the police standards and training council, pursuant to RSA 106-L:6, III.

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


I. The department may issue a certified copy of any certificate of registration, or of any
license to drive motor vehicles which may have been lost or mutilated, upon the written request of
the person entitled thereto and the payment of the prescribed fee, and such certified copy shall have
the same force and effect as the original.

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

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

150 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.

Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:
VIII. Notwithstanding any law to the contrary, the department may provide driver history records to a federal entity for uses authorized in RSA 260:14, IV, RSA 260:14, IV-a, and RSA 260:14, V.

151 Health and Human Services; Residential Care and Health Facility Licensing; Rules. Amend RSA 151:9, II(a) to read as follows:

II.(a) [In addition to paragraph I of this section, if the state fire marshal authorizes the department to conduct life safety code inspections, the department] The state fire marshal shall make at least one annual, unannounced inspection of all facilities licensed under this chapter [pursuant to that authorization]. If in the course of such inspection the inspector finds that there are violations of the life safety code which the inspector believes must be corrected, the inspector shall provide the facility with a notice to correct. This notice shall identify the specific provisions of the life safety code that the inspector believes have been violated, and contain instructions with respect to corrective action to be taken.

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

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

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

155 Department of Safety; Substance Abuse Enforcement Program; Appropriations.

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

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

(b) $289,080 shall be expended for the purpose of funding overtime at the state police for narcotics related enforcement and investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the biennium ending June 30, 2025.
II. The sum of $833,684 for the fiscal year ending June 30, 2024 and $833,684 for the fiscal year ending June 30, 2025 is hereby appropriated to the department of safety to disburse grants to county and local law enforcement agencies for the purpose of funding overtime costs for county and local law enforcement officers performing law enforcement activities attributable to the substance abuse enforcement program established in RSA 21:66.

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

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

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

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

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

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

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

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

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

I. In this section:

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

(b) "Critical incident stress" means an unusually strong emotional, cognitive, or physical reaction that has the potential to interfere with normal functioning and that results from the response to a critical incident or long-term occupational exposure to a series of critical incident responses over a period of time that are believed to be causing debilitating stress that is affecting an emergency service provider and his or her work performance or family situation. This may include,
but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job, personality changes, or loss of ability to function.

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

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

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

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

(2) In this subparagraph:

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

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

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

II.(a) Team members shall undergo and sustain certification standards set forth in guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by the commissioner of the department of safety, or a similar organization for which the commissioner
shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar organization, and maintain training standards to date as required.

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

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

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

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

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

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

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

159 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspension of Allocation to the Department of Safety. For the biennium ending June 30, 2025, RSA 9:9-b, II, relative to the highway fund allocation to the department of safety, shall be suspended.

160 Department of Safety; Appropriation; State and Local Cybersecurity Grant Program. The sum of $1,255,500 for the fiscal year ending June 30, 2024 and the sum of $1,614,215 for the fiscal year ending June 30, 2025 are hereby appropriated to the commissioner of the department of safety.
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for the state and local cybersecurity grant program. Such funds shall be nonlapsing and continually
appropriated to the commissioner of the department. The governor is authorized to draw a warrant
for said sum out of any money in the treasury not otherwise appropriated.

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

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

163 Education; Education Freedom Accounts; Eligible Student. RSA 194-F:1, VI is repealed and
reenacted to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public
elementary or secondary school except any student in the special school district within the
department of corrections established in RSA 194:60 and who meets one or more of the following
conditions:

(a) Whose annual household income at the time the student applies for the program is
less than or equal to 300 percent of the federal poverty guidelines as updated annually in the
Federal Register by the United States Department of Health and Human Services under 42 U.S.C.
section 9902(2); or

(b) Whose annual household income at the time the student applies for the program is
less than or equal to 500 percent of the federal poverty guidelines as updated annually in the
Federal Register by the United States Department of Health and Human Services under 42 U.S.C.
section 9902(2) and is any of the following:

(1) With status as a child in foster care. In this chapter, "foster care" means 24-hour
substitute care for children placed away from their parents and for whom the agency under Title IV-
E of the Social Security Act has placement and care responsibility. This includes, but is not limited
to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters,
residential facilities, child care institutions, and pre-adoptive homes. A child is in foster in
accordance with this definition regardless of whether the foster care facility is licensed and
payments are made by the state, tribal, or local agency for the care of the child, whether adoption
subsidy payments are being made prior to the finalization of an adoption, or whether there is federal
matching of any payments that are made; or

(2) With status as a migratory child. In this chapter, "migratory child" means a
child or youth who made a qualifying move in the preceding 36 months as a migratory agricultural
worker or a migratory fisher; or with or to join a parent or spouse who is a migratory agricultural
worker or a migratory fisher as defined by the federal Department of Education in 34 C.F.R. 200.81.
(3) With status as a homeless child or youth. In this chapter, "homeless child or youth" has the same meaning as section 725(2) of title VII, subtitle B of the McKinney-Vento Homeless Assistance Act.

(4) With status as a student with a parent who (A) is a member of the armed forces on full-time duty in the active military service of the United States, including full time training duty, annual training duty, and attendance, while in the active military service at a school designated as a service school by law or by the secretary of the military department concerned; or (B) serves on full-time National Guard duty, in training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a state or territory, the Commonwealth of Puerto Rico, or the District of Columbia under 32 U.S.C. sections 316, 502, 503, 504, or 505 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

(5) With status as an English language learner. In this chapter, "English language learner" means a pupil who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who participated in the annual assessment of English language proficiency required of such pupils by the Elementary and Secondary Education Act, 20 U.S.C. section 6311(b)(7).

(6) With status as a persistently bullied student. In this chapter, "persistently bullied student" means a pupil that has been a victim of 3 or more bullying incidents as defined by RSA 193-F:3 in a single school year.

(7) With status as a child with a disability. In this chapter, "child with a disability" has the same definition as in RSA 186-C:2, I.

(8) With a documented approve manifest educational hardship as defined by RSA 193:3, II(a).

(9) Who is a student who lives within the geographic boundaries of a school which has been identified as a comprehensive support and improvement school using the state methodology as defined in RSA 193-H:1, III(a)(2), which includes the lowest performing 5 percent of all schools in the state, and RSA 193-H:1, III(a)(3), which includes any high school that has a graduation rate less than 69 percent during the last 2 consecutive academic years.

(10) Any student who lives within the geographical jurisdiction of a school that has been designated as being a persistently dangerous school, as defined by RSA 193-G:1.

(11) Any student who is eligible for a free or reduced price meal.

164 Education Trust Fund; Distributions. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to
municipalities' school districts [and to approved charter schools] pursuant to RSA 198:42, to
distribute grants to municipalities' school districts and to approved chartered public
schools pursuant to RSA 194-B:11, to distribute public school infrastructure grants to
municipalities' school districts and to approved chartered public schools pursuant to RSA
198:15-y, to distribute kindergarten grants to municipalities' and school districts pursuant
to RSA 198:48-c, to provide low and moderate income homeowners property tax relief under RSA
198:56-198:61, to distribute school building aid to school districts [and approved chartered public
schools] pursuant to RSA 198:15-b, to distribute tuition and transportation funds to school districts
for students attending career and technical education programs pursuant to RSA 188-E:9, to
distribute funds to scholarship organizations approved under RSA 77-G, that administer
and implement RSA 194-F, to distribute grants for leased space to approved chartered
public schools pursuant to RSA 198:15-hh, to distribute special education aid to school districts
pursuant to RSA 186-C:18, to distribute payments to education service providers on behalf of
school districts for children with disabilities in certain court ordered placements pursuant
to RSA 186-C:19-b, to fund costs necessary to provide the statewide assessment program
required under RSA 193-C, and to fund department of education operating costs for a state
student data collection and reporting system[, and to fund kindergarten programs as may be
determined by the general court]. For the biennium ending June 30, 2025, the education trust
fund may be used for the purpose of distributing funding for career and technical
education renovation projects pursuant to RSA 188-E:10. The department of education may
retain up to 1 percent of the total annual appropriation of the education trust fund, unless
otherwise specified, to be used to administer the programs funded in the education trust
fund. The state treasurer shall deposit into this fund immediately upon receipt:

165 New Section; Building Aid Fund; Building Aid Grants. Amend RSA 198 by inserting after
section 39 the following new section:

198:39-a State Building Aid Fund.

I. There is hereby established within the education trust fund, a state building aid fund
which shall be kept distinct and separate from all other funds and which shall be administered by
the department of education.

II. Moneys in such fund shall not be used for any purpose other than to distribute school
building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b for
new school building projects, to develop a 10-year school facilities plan of potential school building
grant projects pursuant to RSA 198:15-a, V(a) and to administer the building aid fund established in
this section.

III. Any earnings on moneys within this fund shall be added to the fund. All moneys in the
building aid fund shall be nonlapsing and continually appropriated.
IV. At the end of the fiscal year ending on June 30, 2025, the state treasurer shall transfer an amount of $75,000,000 from the education trust fund to the building aid fund.

V. The department may retain up to 3 percent of the total annual appropriation of the building aid fund to be used to administer the program.

VI. This fund shall not be used for building projects approved by the department prior to July 2025 or debt service payments.

166 Grant for Special Construction. Amend RSA 198:15-a, IV-V to read as follows:

IV. Beginning July 1, [2013] 2025, and every fiscal year thereafter, school building aid grants for construction or renovation projects approved by the department of education and funded from grants distributed from the building aid fund established in RSA 198:39-a shall not exceed $50,000,000 per fiscal year [less any debt service payments owed in the fiscal year] unless otherwise provided by an act of the general court. School building aid grants shall be funded from [appropriations in the state operating budget] grants distributed from the building aid fund established in RSA 198:39-a and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

IV-a. Nothing in this section shall prevent the general court from making appropriations for grants for school construction pursuant to RSA 198:15-a from the general fund, education trust fund, or other available funding opportunities.

V. The department of education shall develop and maintain a 10-year school facilities plan of potential school building grant projects. Potential projects shall include, but not be limited to, criteria pursuant to RSA 198:15-c, II(b). The 10-year plan is intended to create a method to identify and enhance school facilities in a safe, healthy, and efficient manner while providing adequate learning environments for New Hampshire’s students. The 10-year plan shall be updated every biennium to provide the department a summary of projects and school facility capital expenditures that are anticipated for the next 10 years. The state board of education shall adopt rules pursuant to RSA 541-A relative to this paragraph. The plan shall identify new construction, renovation, and emergency projects, and describe the overall condition of projects contained in the plan.

(a) In order to comply with the requirements of paragraph IV-a, the department of education shall contract with a vendor to conduct a facility assessment of public schools and chartered public schools, and to create a ranked list of schools most in need of construction or renovation. The contractor shall be selected through the statewide contracting process, pursuant to RSA 4:15.

(b) Contracting costs associated with this section shall be funded from the building aid fund established in RSA 198:39-a and not included in administrative costs allowed by this section.

167 Effective Date. Sections 164, 165, and 166 of this act shall take effect upon its passage.
168 Special Education; Appropriation from Education Trust Fund. RSA 186-C:19-b, V is repealed and reenacted to read as follows:

V. The amount necessary to fund any grants or transfers of funds authorized under this chapter is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state’s obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the comptroller shall transfer sufficient funds from the general fund to eliminate such deficit. The commission of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of any payment or transfer of funds authorized under this chapter.

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

188-E:10 Funding for Renovation and Expansion.

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

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

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

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

(d) Each school district requesting funds from the department of education establishes and funds a construction, renovation, expansion, and replacement reserve fund, which shall be used by the school district to pay construction, renovation, expansion, and replacement costs not funded by the state, and which may include funding for the replacement of equipment; and
(e) The state shall fund not less than 50 percent nor more than 75 percent of the cost of a qualified project approved pursuant to this section.

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

(1) Demonstrates need connected to the labor market.
(2) Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.
(3) Demonstrates alignment with program competencies and academic competencies required by the department of education.
(4) Allows for matriculation into a postsecondary venue.
(5) Meets all industry and building standards.
(6) Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.
(7) Is a regional career and technical education center within a public school, or a public academy as defined in RSA 194:23, II, in the state of New Hampshire.
(8) Has the capacity to provide academic courses for students from the sending districts who are approved for full-time attendance at the center.

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

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

170 Department of Education; Appropriation; CTE Renovation Projects. The department of education shall be appropriated $12,514,533 from the education trust fund for career and technical education renovation projects for the fiscal year ending June 30, 2024. Such funding shall be nonlapsing. Any unexpended funds after the completion of the project shall be returned to the education trust fund. Such funds shall be expended to renovate the Sugar Hill River Valley Regional Technical Center in Newport.

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

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

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

II(a) A cost of $[3,561.27] $4,700 per pupil in the ADMR, plus differentiated aid as follows:
(b) An additional $[1,780.63] $2,500 for each pupil in the ADMR who is eligible for a free or reduced price meal anytime during the determination year; plus

(c) An additional $[697.77] $756.43 for each pupil in the ADMR who is an English language learner anytime during the determination year; plus

(d) An additional $[1,915.86] $2,078.89 for each pupil in the ADMR who is receiving special education services anytime during the determination year; plus

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

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

198:40-d Annual Adjustment. RSA 198:40-d is repealed and reenacted to read as follows:

198:40-d Annual Adjustment. Beginning July 1, 2024 and every year thereafter, the department of education shall adjust the per pupil costs in RSA 198:40-a, II by an increase of 2 percent annually.

198:40-e Repeal; Relief Funding. RSA 198:40-e, relative to relief funding, is repealed.

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

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

(a) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-priced meal of $1,000,000 or less shall receive $650 per pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.

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

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

I-a. In this section:
(a) The $1,000,000 in equalized valuation per free or reduced-price meal pupil referred in RSA 198:40-f, I(a) shall be called the “grant floor.”

(b) The $6,000,000 in equalized valuation per free or reduced-price meal pupil referred in RSA 198:40-f, I(b) shall be called the “grant ceiling.”

(c) The $0.00013 for each dollar difference between equalized valuation per pupil eligible to receive a free or reduced-price meal referenced in RSA 198:40-f, I(b) shall be called the “factor.”

(d) The $650 per pupil eligible to receive a free or reduced-price meal referenced in RSA 198:40-f, I(a) shall be called the “max grant.”

I-b. The extraordinary needs grants shall be calculated using the formula described in paragraph I with the following adjustments:

(a) Starting in fiscal year 2026, the max grant shall be increased by 50 percent. The factor shall be readjusted by taking the newly adjusted max grant and dividing by the difference between the grant floor and grant ceiling.

(b) Starting in fiscal year 2028, the max grant shall be increased by 50 percent. The factor shall be readjusted by taking the newly adjusted max grant and dividing by the difference between the grant floor and grant ceiling.

(c) Starting in fiscal year 2030, the max grant shall be increased by 50 percent. The factor shall be readjusted by taking the newly adjusted max grant and dividing by the difference between the grant floor and grant ceiling.

(d) Starting in fiscal year 2032, the max grant shall be increased by 50 percent. The factor shall be readjusted by taking the newly adjusted max grant and dividing by the difference between the grant floor and grant ceiling.

(e) Starting in fiscal year 2034, the max grant shall be increased by 50 percent. The factor shall be readjusted by taking the newly adjusted max grant and dividing by the difference between the grant floor and grant ceiling.

II. In order to receive an extraordinary need grant, the eligible school district shall provide a plan to the department of education outlining how the district intends to use grant award funds to improve the educational achievement and growth of students. The extraordinary need grant plan shall include an accountability component designed to generate data that measures student academic achievement and growth of knowledge and skills in reading and language arts and/or mathematics at what grade levels funds will be used. The school district shall develop and administer its own grant accountability assessment that identifies a pupil’s range of learning and yields objective data to use in improving instruction and learning, or use the statewide assessment. The school district shall submit to the department an annual grant accountability progress report that includes evidence of satisfactory program implementation and progress toward grant accountability improvement targets. The primary goal of this grant is to improve student
achievement and growth and to help the school district to have funding for successful, best practice
student learning approaches.

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

III-a. The department of education shall impose the following requirements in
implementing the accountability plans required under this section:

(a) An accountability plan shall not be a conditional requirement for a district
to receive the extraordinary needs grant if the grant award as estimated on November 15
pursuant to RSA 198:41, V is less than $50,000.

(b) If a school district shares a town with another school district, both districts
shall be required to complete the accountability plan under paragraph II to receive the
extraordinary needs grant, unless both districts are exempt under subparagraph (a).

(c) Districts shall use the grant award estimate provided on November 15
pursuant to RSA 198:41, V when completing the accountability plan.

(d) The extraordinary needs grant shall be unrestricted funding as included in
the total unrestricted adequacy funding provided to the school districts and may be used
for any valid purpose authorized by the school district.

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

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


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

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

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

(c) [Repealed.]

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

(e) Add the municipality's extraordinary need grant pursuant to RSA 198:40-f.
II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the total education grant for each municipality as the lesser of the 2 following calculations:

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

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

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

(b) [Repealed.]

IV.(a) For fiscal year 2012 through fiscal year 2033, the department of education shall distribute a hold harmless grant if the adequacy grant is [identify all municipalities in which the fiscal year 2012 total education grant will be] less than the fiscal year 2011 [total education] adequacy grant as estimated by the department on November 15, 2022 pursuant to RSA 198:41, V. The hold harmless grant shall equal 100 percent of the decrease when comparing the eligible grant award year to the fiscal 2024 estimate. The department shall distribute the grant in addition to the total education grant. [The department shall distribute a stabilization grant to each of those municipalities equal to 100 percent of the decrease.] No municipality with a current adequacy grant amount that exceeds the fiscal year 2024 November 15, 2022 estimate shall receive a hold harmless grant.

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

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

(d) For fiscal year 2017 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the percentage shall be 96 percent for fiscal year 2017, 92 percent for fiscal year 2018, 88 percent for fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year thereafter.] No hold
harmless [stabilization] grant as described in RSA 198:41, IV(a) shall be distributed to any municipality for any fiscal year in which the municipality's education property tax warrant pursuant to RSA 76:8 exceeds the total cost of an adequate education or to any municipality for any fiscal year in which the municipality's ADMR is zero.

(e) Beginning in fiscal year 2026, the hold harmless grant calculated under RSA 198:41, IV shall decrease as a percent of the amount awarded under the following schedule:

1. 80 percent of the calculated hold harmless grant shall be awarded for fiscal year 2026 and 80 percent for fiscal year 2027.
2. 60 percent of the calculated hold harmless grant shall be awarded for fiscal year 2028 and 60 percent for fiscal year 2029.
3. 40 percent of the calculated hold harmless grant shall be awarded for fiscal year 2030 and 40 percent for fiscal year 2031.
4. 20 percent of the calculated hold harmless grant shall be awarded for fiscal year 2032 and 20 percent for fiscal year 2033.
5. Zero percent of the calculated hold harmless grant shall be awarded for fiscal year 2034 and each year thereafter.

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

VI. The department shall produce a revised estimate of grants using actual determination year data for the purpose of settling municipal tax rates. A municipality's grant estimate shall not be less than 95 percent of the estimate reported pursuant to paragraph V. The commissioner of the department of education shall provide the estimate for the current fiscal year to the commissioner of the department of revenue administration no later than October 1 of each year.

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

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

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

(b)(1)(A) Except as provided in subparagraph (2), for a chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition amounts pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of $3,286 to all
chartered public schools for the fiscal year ending June 30, 2018, and $3,411 to all chartered public
schools for the fiscal year ending June 30, 2019 and each fiscal year thereafter, except for the Virtual
Learning Academy Charter School, directly to the chartered public school for each pupil who is a
resident of this state in the chartered public school's ADMA. **The additional grant amount shall
be $3,552.28 for all chartered public schools for the fiscal year ending June 30, 2023 and
each fiscal year thereafter, except for the Virtual Learning Academy Charter School.**
Beginning July 1, [2017] **2023** and every [biennium] fiscal year thereafter, the department of
education shall adjust the per pupil amount of the additional grant [based on the average annual
change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services
less medical care services" special aggregate index, as published by the Bureau of Labor Statistics,
United States Department of Labor] pursuant to RSA 198:40-d. The state shall pay amounts
required pursuant to RSA 198:40-a, II(d) directly to the resident district.

(B) For the Virtual Learning Academy Charter School authorized pursuant to
RSA 194-B:3-a, the state shall pay tuition amounts pursuant to RSA 198:40-a, II(a)-(c) and (e), plus
an additional grant of $2,036 directly to the Virtual Learning Academy Charter School for each
eligible full-time enrolled pupil in the chartered public school's ADMA. The state shall pay amounts
required pursuant to RSA 198:40-a, II(d) directly to the resident district. The state shall also pay
tuition amounts pursuant to RSA 198:40-a, II(a) plus an additional grant of $2,036 directly to the
Virtual Learning Academy Charter School for each full-time equivalent pupil. Beginning July 1,
2017 and every July 1 thereafter, the department of education shall adjust the per pupil amount of
the additional grant [based on the average annual change in the Consumer Price Index for All Urban
Consumers, Northeast Region, using the "services less medical care services" special aggregate
index, as published by the Bureau of Labor Statistics, United States Department of Labor. The
average change shall be calculated using the 3 calendar years ending 18 months before the
beginning of the fiscal year for which the calculation is to be performed] pursuant to RSA 198:40-d.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21-I:85 Planning and Design Costs. [The division of public works design and construction shall
not perform any design and planning work for any non-general fund state agency unless the division
is reimbursed for such work by the agency.] The department of administrative services shall
bill state agencies for any design, planning, project management, and/or inspection work
for all capital construction projects administered through the department, and for any
operating projects that are funded in full or in part with federal funds, agency income, or
funding sources other than general funds.

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

187 Effective Date. Section 186 of this act shall take effect June 30, 2023.

188 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
paragraph III the following new paragraph:
III-a. The commission shall elect a chairperson, vice-chairperson, and a recorder.

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

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

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

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

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

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

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

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

193 Corrections Officers' Salaries.

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

II. Effective July 14, 2023, corrections officer majors shall be compensated in accordance with the salary schedule applicable to corrections officer lieutenants, sergeants, and captains.
194 Parking; Concord. The department of administrative services is authorized to spend such funding as appropriated for additional parking for full-time and part-time employees who are assigned to the downtown Concord area and who are not provided a state-provided parking space for their personal vehicle.

195 Compensation for Certain State Officers; Unclassified State Employees; July 14, 2023.

RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

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

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<th>STEP 02</th>
<th>STEP 03</th>
<th>STEP 04</th>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>161,791</td>
</tr>
<tr>
<td>NN</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>167,997</td>
</tr>
<tr>
<td>OO</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>175,233</td>
</tr>
<tr>
<td>PP</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>183,927</td>
</tr>
<tr>
<td>QQ</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>194,366</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Position</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's councilors</td>
<td>$19,734</td>
</tr>
<tr>
<td>Racing and charitable gaming commissioners</td>
<td>$15,301</td>
</tr>
<tr>
<td>Sweepstakes commission, chairman</td>
<td>$22,251</td>
</tr>
<tr>
<td>Sweepstakes commission, members</td>
<td>$12,527</td>
</tr>
</tbody>
</table>

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

I. (a) The following salary ranges shall apply to the following grades:
I. The salary wages for the positions set forth below shall be as follows commencing July 12, 2024:

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

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

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

<table>
<thead>
<tr>
<th>Position</th>
<th>Minimum</th>
<th>Market Anchor</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney</td>
<td>$60,778</td>
<td>$73,264</td>
<td>$140,802</td>
</tr>
<tr>
<td>Assistant attorney general</td>
<td></td>
<td>$99,796</td>
<td></td>
</tr>
<tr>
<td>Senior assistant attorney general</td>
<td></td>
<td>$123,208</td>
<td></td>
</tr>
<tr>
<td>Associate attorney general</td>
<td></td>
<td>$135,695</td>
<td></td>
</tr>
</tbody>
</table>
200 Legislative Employees; July 14, 2023. Legislative employees shall receive 10 percent salary increases effective July 14, 2023, if such increases are approved by the appointing authority.

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

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

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

- Chief justice, supreme court: $204,076
- Associate justices, supreme court: $197,937
- Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54: $197,937
- Associate justices, superior court: $185,638
- District court justices prohibited from practice pursuant to RSA 502-A:21: $185,638
- Probate judges prohibited from practice pursuant to RSA 547:2-a: $185,368

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

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

- Chief justice, supreme court: $208,157
- Associate justices, supreme court: $201,895
- Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54: $201,895
- Associate justices, superior court: $189,350
- District court justices prohibited from practice pursuant to RSA 502-A:21: $189,350
- Probate judges prohibited from practice pursuant to RSA 547:2-a: $189,350

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

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

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

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

208 Appropriations.

I. The following sums are appropriated from the following sources for the purposes of salary and compensation adjustments in this act for the fiscal year ending June 30, 2024:
II. The following sums are appropriated from the following sources for the purposes of salary and compensation adjustments in this act for the fiscal year ending June 30, 2025:

<table>
<thead>
<tr>
<th>Source</th>
<th>FY 2024</th>
<th>FY 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>All General Liquor</td>
<td>$101,554,000</td>
<td>$123,896,000</td>
</tr>
<tr>
<td>Federal Highway Turnpike</td>
<td>$3,394,000</td>
<td>$4,140,000</td>
</tr>
<tr>
<td>Fish and Other Game</td>
<td>$16,702,000</td>
<td>$20,377,000</td>
</tr>
<tr>
<td></td>
<td>$9,262,000</td>
<td>$12,300,000</td>
</tr>
<tr>
<td></td>
<td>$875,000</td>
<td>$2,228,000</td>
</tr>
<tr>
<td></td>
<td>$24,595,000</td>
<td>$30,006,000</td>
</tr>
</tbody>
</table>

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

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

209 Effective Date.

I. Sections 195, 196, 199, and 202 of this act shall take effect July 14, 2023.

II. Sections 197, 198, and 203 of this act shall take effect July 12, 2024.

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

77-A:20-a Distribution of Funds.

I. The commissioner shall determine the additional amounts of 35 percent of the revenue produced by an increase of 1.5 percent in the rate of the tax imposed by RSA 77-A:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

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

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

77-E:14 Distribution of Funds.

I. The commissioner shall determine the additional amounts of 35 percent of the revenue produced by an increase of .50 percent in the rate of the tax imposed by RSA 77-E:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.
II. The commissioner shall make quarterly estimates of the amount of additional revenues that will be produced by the increase in tax rate for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

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

213 Department of Health and Human Services; Unfunded Positions; Authorization. Notwithstanding any other provision of law to the contrary, the department of health and human services may fill unfunded positions during the biennium ending June 30, 2025, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services.

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

215 Department of Health and Human Services; Bureau of Adult and Elderly Services; Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the biennium ending June 30, 2025.

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

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

I. Section 5 of this act shall take effect July 1, 2023.

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

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

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

221 Department of Health and Human Services; Division of Medicaid Services. Any funds
appropriated to activity 05-95-47-470010, division of Medicaid services, for the biennium ending
June 30, 2023 shall not lapse until June 30, 2025, and shall be treated as restricted revenue for the
purpose of funding expenditures in account 05-95-47-470010-7948, Medicaid care management. The
department of health and human services is authorized to accept and expend any matching federal
funds for the purposes of this section without prior approval of the fiscal committee of the general
court.

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

223 Appropriation; Department of Health and Human Services; Sununu Youth Services Center.
The sum of $11,128,527 for the fiscal year ending June 30, 2024, and the sum of $11,426,311 for the
fiscal year ending June 30, 2025, are hereby appropriated to the department of health and human
services for the purpose of operating the Sununu youth services center as the department transitions
to a replacement facility. Of the amount appropriated for fiscal year ending June 30, 2024,
$11,103,527 shall be state general funds and $25,000 shall be other funds. Of the amount
appropriated for fiscal year ending June 30, 2025, $11,396,311 shall be state general funds and
$30,000 shall be other funds. Such funds shall not lapse until June 30, 2025. The governor is
authorized to draw a warrant for the sums out of any money in the treasury not otherwise
appropriated.

224 Department of Health and Human Services; Transfer Between Certain Classes.
Notwithstanding any other provision of law, the department of health and human services is hereby
authorized to transfer funds between classes 072, 074, 102, and 103, and create new class lines for
classes 072, 074, 102, and 103, in order to comply with federal Uniform Administrative

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

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

226 Delayed Effective Date; Workplace Violence Prevention and Health Care Workplace Safety
Commission. Amend 2022, 340:5, II to read as follows:

II. The remainder of this act shall take effect July 1, [2023] 2025.

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

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

228 Effective Date. Section 227 of this act shall take effect June 30, 2023.

229 Department of Health and Human Services; Unclassified Positions Established.

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

(a) Medicaid pharmacy director.

(b) Pharmaceutical service specialist.

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

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

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

230 Department of Health and Human Services; Unclassified Positions Established;
Appropriation.
I. The following unclassified positions are established in the department of health and human services:
   (a) Twenty four staff attorney positions.
   (b) Five supervisory staff attorney positions.
   (c) Three supervising attorney positions.

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

III. The following classified positions are abolished upon completion of the salary and letter appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever is sooner:
   (a) Attorney II:
      #11677 #15803 #16212 #16248 #19145
      #40083 #40084 #40085 #40086 #40087
      #40088 #40089 #40090 #40091 #40092
      #40093 #40095 #40096 #40396 #43485
      #44216 #44217 #44355 #44380 #44562
      #44560 #44561 #TMPPT5726 #TMPPT5779
   (b) Attorney III:
      #15402 #19766 #44562

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

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

231 Department of Health and Human Services; Admissions to the Forensic Psychiatric Hospital. The commissioner of the department of health and human services shall ensure that no admissions to the forensic psychiatric hospital occur until after June 30, 2025 unless necessary funding is appropriated.

232 Department of Health and Human Services; Developmental Services, Acquired Brain Disorder Services, and In-home Support Waiver. Pursuant to RSA 171-A:8-b, the department of health and human services shall be authorized to carry forward funds from state fiscal year 2023 in the developmental services fund, acquired brain disorder services fund, and in-home support waiver fund for the purpose of carrying out the provisions of RSA 171-A for the biennium ending June 30, 2025.
233 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to read as follows:
(a) The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years [2022-2023] 2024-2025:
(2) State fiscal year [2023] 2025, $131,849,659 [137,176,385];
234 Appropriation; Department of Health and Human Services; Choices for Independence. The sums of $4,750,000 in the fiscal year 2024 and $10,350,000 in the fiscal year 2025 are hereby appropriated to the department of health and human services for the purpose of funding Choices for Independence, a Medicaid-funded program that provides a wide range of service choices that enable eligible adults to stay in their own homes and communities. The funds shall be nonlapsing until June 30, 2025. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.
235 Appropriation; Department of Health and Human Services; Medicaid Management Information System. The sum of $20,531,625 for the fiscal year ending June 30, 2023, is hereby appropriated to the department of health and human services for the purpose of funding one-time maintenance of the legacy Medicaid management information system as the department transitions to new modular information technology systems. These sum appropriated shall be nonlapsing until June 30, 2025. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.
236 Effective Date. Section 235 of this act shall take effect June 30, 2023.
237 Appropriation; Department of Health and Human Services. There is hereby appropriated to the department of health and human services the sum of $16,358,878 for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of funding the elevated enrollment unwinding related to the end of continuous enrollment in accordance with the Centers for Medicare and Medicaid Services guidance. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.
238 Effective Date. Section 237 of this act shall take effect June 30, 2023.
239 Appropriation; Department of Health and Human Services; Integrated Eligibility System. There is hereby appropriated the sum of $838,502 for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30, 2025, to the department of health and human services for the purpose of funding an audit of the integrated eligibility system. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is
authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

240 Effective Date. Section 239 of this act shall take effect on June 30, 2023.

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

242 Effective Date. Section 241 of this act shall take effect June 30, 2023.

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

244 Effective Date. Section 243 of this act shall take effect June 30, 2023.

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

246 Effective Date. Section 245 of this act shall take effect June 30, 2023.

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

248 Effective Date. Section 247 of this act shall take effect June 30, 2023.

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

250 Effective Date. Section 249 of this act shall take effect June 30, 2023.
 Appropriation; Department of Health and Human Services; DHHS Offices. There is hereby appropriated the sum of $410,100 to the department of health and human services for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of replacing aging switches, routers, and wireless access point at DHHS offices. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

 Effective Date. Section 251 of this act shall take effect June 30, 2023.

 Appropriation; Department of Health and Human Services; Temporary Assistance For Needy Families; Maintenance of Effort. There is hereby appropriated to the department of health and human services the sums of $3,000,000 for the fiscal year ending June 30, 2024, and $3,000,000 for the fiscal year ending June 30, 2025, to ensure maintenance of effort funding is sufficient to meet the federal temporary assistance for needy families maintenance of effort levels. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

 Appropriation; Department of Health and Human Services; Family Resource Centers. There is hereby appropriated to the department of health and human services the sums of $1,000,000 for the fiscal year ending June 30, 2024, and $1,000,000 for the fiscal year ending June 30, 2025, to support family resource center (FRC) infrastructure and shall be allocated to the FRC Facilitating Organization to distribute to FRCs. The use of the funds shall include, but not be limited to, better serving families, preparing for FRC-Q designation, enhancing coordination with other early childhood systems, and supporting evidence-based programs such as home visiting programs, ACERT, and community collaborations. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

 Appropriation; Department of Health and Human Services; Foster Care Rates. There is hereby appropriated to the department of health and human services the sums of $870,481 for the fiscal year ending June 30, 2024, and $957,529 for the fiscal year ending June 30, 2025, for the purpose of increasing foster care rates. The department may accept and expend matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.
257 Appropriation; Department of Health and Human Services; Medicaid Rate Increases. There
is hereby appropriated to the department of health and human services the sums of $17,000,000 for
the fiscal year ending June 30, 2024, and $17,000,000 for the fiscal year ending June 30, 2025, for
the purpose of increasing Medicaid provider rates. The department shall utilize such funds to
increase rates pursuant to section 1902 (a)(30)(A) of the Social Security Act, to promote efficiency,
economy, and quality of care within New Hampshire’s Medicaid program. The governor is
authorized to draw a warrant for said sums out of any money in the treasury not otherwise
appropriated.

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

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

II. RSA 12-O:64, relative to the COVID-19 micro enterprise relief fund.

III. RSA 6:12,I(b)(365), relative to the COVID-19 micro enterprise relief fund.

IV. RSA 12-O:19, relative to the package plan program.

259 Department of Business and Economic Affairs; Bureaus. Amend RSA 12-O:2, I to read as
follows:

I. There shall be a department of business and economic affairs under the executive
direction of a commissioner of business and economic affairs, consisting of but not limited to a
division of economic development [which shall include but not be limited to a bureau of workforce
development] and a division of travel and tourism [development which shall include but not be
limited to a bureau of visitor service]. The department’s purpose shall be to ensure the efficient
coordinated function of the department, economic development policies of the state of New
Hampshire and the collaborative participation of all related state departments, agencies, and
authorities.

260 Workforce Development. Amend RSA 12-O:42 to read as follows:

12-O:42 Workforce Development. The commissioner of business and economic affairs shall work
with the [workforce development] director of the office of workforce opportunity to plan, develop,
and administer workforce investment activities, programs, and grants under the federal Workforce
2801 et seq.], as such may be amended, reauthorized, and in effect from time to time, and shall
discharge the day-to-day operational responsibilities and obligations of the State Workforce
Innovation Board established under RSA 12-O:44. The commissioner shall coordinate with the State
Workforce Innovation Board to promote state and local investment systems that increase the
employment, retention, and earnings of participants, and increase occupational skill attainment by
participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and
enhance the productivity and competitiveness of the nation.

261 Workforce Development Director. Amend RSA 12-O:43 to read as follows:
12-O:43 Workforce Development Director. There is established within the [bureau] office of workforce [development] opportunity the position of [workforce development coordinator] director, which shall be an administrator [IV] IV position, classified at labor grade [33]. The [workforce development] director shall lead the office of workforce opportunity [workforce development bureau]. The [workforce development] director shall perform all duties which the commissioner may assign.

262 State Workforce Innovation Board; Duties Removed. RSA 12-O:44 is repealed and reenacted to read as follows:

12-O:44 State Workforce Innovation Board.

I. There is established a State Workforce Innovation Board within the Office of Workforce Opportunity.

II. Membership of the board shall be as set forth in the Workforce Innovation and Opportunity Act of 2014 as such may be amended, reauthorized, and in effect from time to time. Members of the board shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall select a chairperson for the board from among the members of the board.

III. The board shall meet no less frequently than semi-annually, shall have the powers and responsibilities of the state workforce investment board under the Workforce Innovation and Opportunity Act of 2014.

263 Broadband Infrastructure Bonds. Amend RSA 33:3-g, IV to read as follows:

IV. The [office of planning and development] department of business and economic affairs shall maintain a list by town of all providers interested in receiving requests for information. The list shall include physical and electronic address information for interested providers and shall be updated as needed, but at least annually. For purposes of issuing requests for information pursuant to paragraph III, a municipality, county, or communications district shall reference the interested provider list maintained by the [office of planning and development] department and shall issue requests for information to all interested providers in that municipality, county, or communications district, both electronically and by United States mail.

264 Tax on Meals and Rooms; Population Figures. Amend RSA 78-A:25, III to read as follows:

III. On or before April 30 of each year, the office of planning and development shall notify the chief administrative officer in each community of all the data components which will be used as the basis for the estimate of population. Municipalities believing that such data components are incorrect shall file their specific objections and evidence in support thereof with the office of planning and development on or before May 30 of the same year. After due consideration of such evidence, the director of [energy and planning] the office of planning and development shall determine the final components and resulting estimates.

265 Reference Deleted. Amend RSA 126-A:4, V(b)(1) to read as follows:
(1) May request and shall receive the assistance of all other state agencies, including the office of planning and development, and the departments of transportation, administrative services, and business and economic affairs.

266 Appropriation; Department of Natural and Cultural Resources; State Historic Sites Fund. The sum of $449,986 for the fiscal year ending June 30, 2024, and the sum of $458,558 for the fiscal year ending June 30, 2025, are hereby appropriated to the department of natural and cultural resources for deposit in the state historic sites fund established under RSA 12-A:10-f. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

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

268 Assistant Deputy Medical Examiners. Amend RSA 611-B:5 to read as follows:

611-B:5 Assistant Deputy Medical Examiners. The chief medical examiner shall appoint assistant deputy medical examiners to perform the duties of medical examiner under this chapter. Assistant deputy medical examiners shall serve without geographic restriction. An assistant deputy medical examiner shall be a person educated in the science of medicine and shall serve under the direction and supervision of the chief medical examiner. An assistant deputy medical examiner shall possess all the powers granted to medical examiners under this chapter and be sworn in the same manner. Assistant deputy medical examiners shall be appointed by the attorney general pursuant to RSA 21-M:3, XIV and shall serve at the pleasure of the chief medical examiner.
Department of Justice; Assistant Deputy Medical Examiners Established. There is established within the department of justice unclassified positions of assistant deputy medical examiners. The assistant deputy medical examiners shall be qualified to hold the position by reason of education and experience and shall be appointed to serve at the pleasure of the chief medical examiner pursuant to RSA 611-B:5. The salary of the assistant deputy medical examiners shall be determined after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-202010-1037.

New Paragraphs; Department of Justice; Permanent Assistant Deputy Medical Examiners; Deputy Chief Forensic Investigator. Amend RSA 21-M:3 by inserting, after paragraph XIII, the following new paragraphs:

XIV. The attorney general, subject to the approval of the governor and council, may appoint permanent assistant deputy medical examiners within the limits of the appropriation made for the appointment, each of whom shall serve at the pleasure of the chief medical examiner pursuant to RSA 611-B:5.

XV. The attorney general, subject to the approval of the governor and council, may appoint a permanent chief forensic investigator and/or a deputy chief forensic investigator, within the limits of the appropriation made for the appointment, who shall hold office for a term of 5 years. Any vacancy in such position may be filled for the unexpired term. The chief forensic investigator and deputy chief forensic investigator may be removed only as provided by RSA 4:1.

Department of Justice; Planning Analyst/Data Systems; Reclassified and Established; Deputy Chief Forensic Investigator. The planning analyst/data systems position number 9T3175, within the department of justice shall be designated as an unclassified position. There is established within the department of justice an unclassified position of deputy chief forensic investigator. The deputy chief forensic investigator shall be qualified to hold the position by reason of education and experience and shall be appointed to serve for a term of 5 years. The salary of the deputy chief forensic investigator shall be determined after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-202010-1033. Upon completion of this action and appointments to the unclassified position, classified position number 9T3175 shall be abolished to allow for the transition of the available appropriations to the unclassified position. Funding shall be transferred into the proper unclassified expenditure class in the chief medical examiner general accounting unit. The incumbent in the abolished classified position shall be offered the opportunity to seek the attorney general’s nomination for the unclassified deputy chief forensic investigator position.

Chief Medical Examiner; Reference Deleted. Amend RSA 611-B:10 to read as follows:
611-B:10 Administrative and Technical Assistance. The chief medical examiner may employ adequate administrative, clerical, and technical assistants to carry out the purposes of this chapter,[
al of whom shall be in the classified service of the state].

273 Office of the Solicitor General. Amend RSA 21-M:12-a, I to read as follows:

I. There is established [in] within the [division of legal counsel] department an office of the solicitor general. The office shall be supervised by the solicitor general who shall be a senior assistant attorney general appointed by the attorney general in accordance with the provisions of RSA 21-M:3, and who shall carry out the duties imposed by the section under the supervision of the attorney general and perform such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-M:3 and such support staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the [office] department.

274 Division of Legal Counsel. Amend RSA 21-M:7, II to read as follows:

II. The division of legal counsel shall consist of the following units:

(a) A bureau of civil law.

(b) A [transportation and construction] public safety and infrastructure bureau.

(c) An office of the solicitor general.

275 Department of Justice; Name Change; Public Safety and Infrastructure Bureau. Amend the section heading of RSA 21-M:12 and RSA 21-M:12, I to read as follows:


I. There is established in the division of legal counsel a bureau of [transportation and construction] public safety and infrastructure. The bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 21-M:3 and who shall carry out the duties imposed by this section under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-M:3 and such additional clerical, stenographic, and other staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the bureau.

276 Department of Justice; Positions Transferred. The attorney general shall transfer national violent death reporting system positions 9T2789 and 9T2644 to the department of health and human services effective July 1, 2023. The department of justice appropriation 02-20-20-20-201510-59390000, national violent death reporting system, shall be repealed effective September 30, 2023.

277 New Section; Charitable Trusts. Amend RSA 7 by inserting after section 28-f the following new section:

7-28-g Handling Charges. If the attorney general collects a fee electronically for any registration, any annual report, any notice, any document, or any other purpose related to the duties of the director of charitable trusts, the attorney general shall collect a handling charge for each fee
paid electronically. The amount of the handling charge shall be equal to the amount charged to the
attorney general for processing the fee by credit card, electronic check, or other electronic means.

278 Charitable Trusts; Investigations. Amend RSA 7:24 to read as follows:
7:24 Investigation. The attorney general may investigate at any time charitable trusts, charitable solicitations, and charitable sales promotions for the purpose of determining and ascertaining whether they are administered in accordance with law and with the terms and purposes thereof. For the purposes of such investigation the attorney general may require any person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency administering a trust, charitable solicitation, or charitable sales promotion or having an interest therein, or knowledge thereof, to appear [at the state house] at such time and place as the attorney general may designate then and there under oath to produce for the use of the attorney general any and all books, memoranda, papers of whatever kind, documents of title or other evidence of assets or liabilities which may be in the ownership or possession or control of such person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency and to furnish such other available information relating to said trust, charitable solicitation, or charitable sales promotion as the attorney general may require.

279 Victim Assistance Programs. Amend RSA 21-M:8-i, IV to read as follows:
IV. No more than [45] 30 percent of the money in the victims' assistance fund shall be used by the attorney general for the costs of administration of the victims' assistance fund and the administrative costs of the victims' assistance commission.

280 New Hampshire Retirement System. Administration of Benefit Payments to Existing Beneficiaries; Appropriation.
I. For each person receiving an annual allowance under the former RSA 100-A:19 as of the effective date of this section, the retirement system shall continue to pay the annual allowance to each such person as had been provided under RSA 100-A:19 prior to its repeal in 2014.
II. There hereby is appropriated the amount of $40,000 to fund the benefit for the remaining surviving beneficiaries. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Such amount shall be transferred from the state's general fund to the New Hampshire retirement system, which shall maintain such funds in a segregated account exclusively for payment of the call firefighter benefits.
III. The New Hampshire retirement system shall be reimbursed from available funds a reasonable annual fee for administration of the benefit until payments under paragraph I have terminated.
IV. Funds shall be nonlapsing until termination of all benefit payments under paragraph I and any remaining funds held by the New Hampshire retirement system in this segregated account at that time, shall be returned to the state's general fund.
281 Business Finance Authority; Unified Contingent Credit Limit Increased. Amend RSA 162-
A:22 to read as follows:

162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
RSA 162-I:9-b shall not exceed in the aggregate at any time $50,000,000 plus interest, provided that
such amount shall be increased to $80,000,000 plus interest on January 1, 1993, to $95,000,000 plus
interest on January 1, 1994, and to $115,000,000 plus interest on May 1, 2015, and to $200,000,000
plus interest on June 1, 2023.

282 Receiving Facility. Amend RSA 135-C:26, I to read as follows:

I. New Hampshire hospital and any other facility approved by the commissioner shall be
designated as receiving facilities for the care, custody, and treatment of persons subject to
involuntary admissions. Any community mental health program, [hospital,] community residence,
nursing home, or other treatment or sheltered care facility may apply to the commissioner for
designation. No designation shall occur without the express written consent of the administrator of
the facility to be designated.

283 New Paragraph; New Hampshire Mental Health Services; Receiving Facility. Amend RSA
135-C:26 by inserting after paragraph I the following new paragraph:

I-a. All hospitals defined in accordance with RSA 151:2, I(a), not including rehabilitation
hospitals or substance abuse treatment hospitals licensed to operate in New Hampshire shall, as a
condition of their license, apply to the commissioner to be designated as a receiving facility and shall
maintain the following number of designated receiving facility beds as part of their designation
based upon their licensed beds:

(a) Hospitals with 25 or less licensed beds: 2 beds shall be designated as receiving
facility beds.

(b) Hospitals with more than 25 and less than or equal to 100 licensed beds: 4 beds shall
be designated as receiving facility beds.

(c) Hospitals with more than 100 and less than or equal to 200 licensed beds: 6 beds
shall be designated as receiving facility beds.

(d) Hospitals with more than 200 licensed beds: 9 beds shall be designated as receiving
facility beds.

284 Involuntary Admissions; Delivery to Receiving Facility. Amend RSA 135-C:29, I to read as
follows:

I. Upon completion of an involuntary emergency admission certificate under RSA 135-C:28
and upon confirmation that the receiving facility identified in the certificate which shall
be the closest geographically with an available bed for the person allowing for
participation in his or her community while achieving the purposes of rehabilitation and
treatment, a law enforcement officer shall, except as provided in paragraph II, take custody of the
person to be admitted and shall [immediately] deliver such person to the receiving facility identified
in the certificate. The mode and circumstances of transport to the receiving facility shall be
determined in accordance with paragraph II.

285 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and
reenacted to insert the following new chapter:

CHAPTER 310
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

310:1 Purpose. The purpose of the office of professional licensure and certification is to promote
efficiency and economy in the administration of the business processing, recordkeeping, and other
administrative and clerical operations of professional licensing and certification boards, including
both professional healthcare licensing and professional technical licensing. The individual licensing
and certification boards that are organized under the office of professional licensure and certification
have specialized knowledge and experience and are separate and distinct for the purpose of
regulating their various professions. Notwithstanding the unique regulatory role of each board, the
legislature finds that there are opportunities for improving efficiency and customer service by
providing for the joint administration of the boards' administrative, clerical, business processing,
and recordkeeping functions. Except as provided in this section, the licensing and certification
boards and entities organized under the office of professional licensure and certification shall
exercise the powers, duties, functions, and responsibilities granted by statute.

310:2 Definitions; Establishment.

I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

(a) "Board" means a board, council, commission, committee, or other regulatory body
with jurisdiction over professions listed in paragraph II.

(b) "Executive director" shall mean the executive director of the office of professional
licensure and certification.

(c) "Lapse" when referring to licenses shall mean expire.

(d) "License" shall include certifications or registrations required to practice a regulated
profession.

(e) "Office" or "OPLC" shall mean the office of professional licensure and certification.

(f) "Telehealth" means the use of audio, video, or other electronic media for
the purpose of diagnosis, consultation, or treatment.

(g) "Telemedicine" means the use of audio, video, or other electronic media for
the purpose of diagnosis, consultation, or treatment.

II. The office of professional licensure and certification shall consist of the division of
licensing and board administration and the division of enforcement, under the executive director as
the administrative head of the agency. The boards within the office of professional licensure and
certification shall consist of the following:
(a) Advisory board of acupuncture licensing under RSA 328-G.
(b) Advisory board of body art practitioners under RSA 314-A.
(c) Advisory board of board of dental hygiene under RSA 317.
(d) Advisory board of family mediatrix certification under RSA 328-C.
(e) Advisory board of guardians ad litem under RSA 490-C.
(f) Advisory board of massage therapists, reflexology, structural integration, and Asian bodywork therapy under RSA 328-B and RSA 328-H.
(g) Advisory board of examiners of nursing home administrators under RSA 151-A.
(h) Advisory board of recreational therapists established under RSA 326-J.
(i) Advisory board of respiratory care practitioners established under RSA 326-E.
(j) Assessing certification advisory board under 310-C.
(k) Board of accountancy under RSA 309-B.
(l) Board of architects under RSA 310-A:29.
(m) Board of barbering, cosmetology, and esthetics under RSA 313-A.
(n) Board of chiropractic examiners under RSA 316-A.
(o) Board of dental examiners under RSA 317-A.
(p) Board of home inspectors under RSA 310-A:186.
(q) Board of licensing for interpreters for the deaf, deafblind, and hard of hearing under RSA 326-I.
(r) Board of licensed dietitians under RSA 326-H.
(s) Board of medicine under RSA 329.
(t) Board of mental health practice under RSA 330-A.
(u) Board of nursing under RSA 326-B.
(v) Board of pharmacy under RSA 318.
(w) Board of professional engineers and land surveyors under RSA 310-A:3.
(x) Board of professional geologists under RSA 310-A:120.
(y) Board of registration of funeral directors and embalmers under RSA 325.
(z) Board of registration in optometry under RSA 327.
(aa) Board of veterinary medicine under RSA 332-B.
(bb) Boxing and wrestling commission under RSA 285.
(cc) Electricians’ board under RSA 319-C.
(dd) Electrology advisory committee under RSA 314.
(ee) Genetic counselors governing board established under RSA 328-F and RSA 326-K.
(ff) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.
(gg) Installation standards board advisory board under RSA 205-D.
(ii) Midwifery advisory council under RSA 326-D.
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(jj) Naturopathic advisory board of examiners under RSA 328-E.

(kk) Occupational therapy governing board established under RSA 326-F and RSA 326-

C.

(ll) Physical therapy governing board established under RSA 328-F and 328-A.

(mm) Professional bondsmen under RSA 598-A.

(nn) Real estate appraiser board under RSA 310-B.

(oo) Real estate commission under RSA 331-A.

(pp) Registration of ophthalmic dispensers under RSA 327-A.

(qq) Speech-language pathology and hearing care provider governing board established

under RSA 328-F and 326-F.

(rr) State board of auctioneers under RSA 311-B.

310:3 Executive Director; Directors; Unclassified Personnel.

I. The executive director of the office of professional licensure and certification shall be an

unclassified employee of the state. The executive director shall be appointed by the governor, with

consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified

to hold that position by reason of professional competence, education, and experience. A vacancy

shall be filled for the remainder of the unexpired term in the same manner as the original

appointment.

II. The executive director shall nominate for appointment by the governor and council the

unclassified positions of director of the division of licensing and board administration and director of

the division of enforcement. Each director shall be qualified for the position by reason of education,

competence, and experience and shall serve at the pleasure of the executive director for a term of 4

years.

III. The executive director shall nominate for appointment by the governor and council the

unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy

investigator positions. Each director shall be qualified for the position by reason of education,

competence, and experience and shall serve at the pleasure of the executive director.

IV. The executive director shall nominate for appointment by the governor and council the

unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be

qualified for the position by reason of education, competence, and experience and shall serve at the

pleasure of the executive director.

V. The salaries of the executive director, each division director, each legal officer, the chief

pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a. The

governor is hereby authorized to transfer such funds appropriated to the boards, councils, and

committees identified in RSA 310:2 as are necessary to pay the salary and benefits of these positions.

310:4 Duties of Executive Director.
I. The executive director, as the administrative head of the office of professional licensure and certification, may employ such clerical or other assistants as are necessary for the proper performance of the office's work and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of the office's duties under this chapter. The office may contract for the services of investigators, hearing officers, legal counsel, and experts as necessary and in consultation with the appropriate board.

II. The executive director of the office of professional licensure and certification shall be responsible for:

(a) Supervision of the division directors and chief legal officers.

(b) Employment of personnel needed to carry out the functions of the office and the boards.

(c) The examination, processing and approval or denial of an application for licensure, certification, or registration for all license types governed by the office or a board listed in RSA 310:2, based on set objective standards developed by the boards, and in accordance with RSA 541-A.

(d) The investigation of all complaints of professional misconduct in accordance with RSA 310:9.

(e) Maintenance of the official record of the office and the boards in accordance with the retention policy established by the office.

(f) Drafting and coordinating rulemaking for all boards within the office in accordance with RSA 541-A, with the advice and recommendations of the boards.

(g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A.

(h) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

(i) Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), the office and all boards shall accept electronic signatures and scans of signed documents in addition to original signatures.

310:5 Administration of the Office of Professional Licensure and Certification; Funding.

I. The executive director of the office of professional licensure and certification shall establish and collect all license, certification, and renewal fees, as well as any necessary administrative fees for each professional regulatory board administered by the office. Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the
office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years.

II. There is hereby established the office of professional licensure and certification fund into which the fees collected under paragraph I shall be deposited. The fund shall be a separate, dedicated, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries associated with the office. Funds in excess of $5,000,000 shall lapse to the general fund at the close of each biennium.

III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire health professionals' program administration fund for the administration of the professionals' health program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of chiropractic examiners, board of mental health practice, midwifery council, board of registration in optometry, board of licensed dietitians, and board of licensing for alcohol and other drug use professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and technical professions boards may be added to program at the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

IV. The office of professional licensure and certification shall be responsible for the financing of any interstate compact joined by the state that affects a profession governed by a board listed in RSA 310:2. Such financing shall be from funds deposited in the office of professional licensure and certification fund.

310:6 Rulemaking Authority; Reciprocity Licensing Process. The executive director of the office of professional licensure and certification shall adopt rules, relative to RSA 541-A, for the following:

I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective board. Fees shall be reassessed, at a minimum, every 5 years.

II. Such organizational and procedural rules necessary to administer the boards in the office, including rules governing the administration of complaints and investigations, hearings, disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and application procedures.

III. The rate of per diem compensation and reimbursable expenses for all boards within the office.

IV. Rules governing the professionals' health program as set forth in RSA 310:5.

V. Temporary and permanent licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction, provided that the jurisdiction's licensing requirements are substantially similar to New Hampshire's licensing
requirements, as determined by the executive director in consultation with the boards, commissions, and councils within the office. All individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

310:7 Telemedicine and Telehealth Services.

I. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

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

III. An individual providing services by means of telemedicine or telehealth directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record; and

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate.

IV. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

310:8 License Renewals; Lapse.

I. The executive director of the office of professional licensure and certification shall issue licenses, certifications, or registrations, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

II. Licenses shall be valid for 2 years from the date of issuance, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

III. Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for that renewal on or before the expiration of the license, certification, or registration. Licenses shall lapse when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of a lapsed license are not authorized to practice until the licenses have been reinstated. Holders of lapsed licenses shall not be able to renew, but shall be eligible to reinstate licenses within one year of
the date of the lapse upon submitting an application and meeting the eligibility requirements as
defined in statute, and rules adopted by each individual board.

IV. The office of professional licensure and certification shall provide licensees, at least 2
months before the date of expiration of their license, with notice of the need to complete their
renewal applications. Failure to receive notice shall not relieve any licensee of the obligation to
renew their license, comply with the rules of the office, the rules of the board, or this section.
Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or
for applications submitted electronically the electronic time stamp of submission.

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

310:9 Complaints and Investigations.

I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

II. Upon receipt of an allegation of professional misconduct, the office shall determine
whether the allegation states a viable claim. If the office determines that the allegation is not
viable, it shall make a recommendation to the board for dismissal. The board shall review the
office's recommendation and dismiss the allegation if it determines that the allegation does not state
a claim of professional misconduct.

III. Notwithstanding any other law to the contrary, the office shall investigate allegations of
misconduct by licensees:

   (a) Upon its own initiative; or

   (b) Upon written complaint alleging misconduct of a licensed, or unlicensed, individual
or entity of a profession regulated under the office.

IV. Allegations of misconduct received by the office, information and records acquired by the
office during an investigation, and reports and records made by the office because of its
investigation, shall be held confidential and shall be exempt from the disclosure requirements of
RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing.
However, the office may disclose information acquired in an investigation to law enforcement or
licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory
requirements or court orders.

V. To carry out investigations, the executive director is authorized to:

   (a) Retain qualified experts.

   (b) Conduct inspections of places of business of a profession regulated under the office.
(c) Issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(1) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(2) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(3) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(4) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. When an allegation of misconduct is determined to be unfounded after an investigation, the board shall dismiss the allegation and explain in writing to the complainant and the licensee its reason for dismissing the complaint. The office shall retain all information concerning investigations in accordance with the retention policy established by the office.

VII. Every clerk of the superior court shall report to the office the filing and final disposition of any action for medical injury as defined in paragraph VIII within 30 days after such filing and within 30 days after such final disposition.

VIII. Every insurer, including self-insurers, providing professional liability insurance to a licensee regulated by a board within the office shall send a complete report to the office as to all reservable claims coincident with medical injury that take place in this state or in any other state within 30 days after establishing the reserve. For the purpose of this paragraph, "medical injury" means any adverse, untoward or undesired consequences arising out of or sustained in the course of professional services rendered by a medical care provider, whether resulting from negligence, error or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

IX. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the office any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person licensed by a board within the office. Disciplinary or adverse action shall include the requirement that a licensee undergo counseling or be subject to any policy with regard to disruptive behavior.
X. Every professional society within the state comprised primarily of persons licensed by a board within the office shall report to the board any disciplinary action against a member relating to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse within 30 days after such disciplinary action is taken.

XI. Regulated persons and entities, including but not limited to licensees, insurance companies, health care organizations, and health care facilities, shall report to the board any conviction by a court of law or determination by an agency that a licensee has committed an act that constitutes a violation of this chapter or the board practice acts. Persons and entities shall be immune from civil liability, whether direct or derivative, for providing information in good faith to the board pursuant to this section.

310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board shall disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed. The docket file for each such proceeding shall be retained in accordance with the retention policy established by the office of professional licensure and certification.

II. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance with procedural rules adopted by the executive director.

III. The office shall employ sufficient administrative prosecutors qualified by reason of education, competence, and experience to serve as hearing counsel in all disciplinary proceedings before the boards.

IV. The office shall employ sufficient personnel qualified by reason of education, competence, and experience to serve as presiding officer in all disciplinary or non-disciplinary remedial proceedings before the boards. The presiding officer shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.

V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.
(d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and to render legal opinions and make conclusions of law.

VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings, and shall determine sanctions, if any.

VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings, complaints may be dismissed or disposed of, in whole or in part:

(a) By written settlement agreement approved by the board, provided that any complainant shall have the opportunity, before the settlement agreement has been approved by a board, to comment on the terms of the proposed settlement; or

(b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a proper basis for disciplinary action.

IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties, in accordance with rules adopted by the executive director.

X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent at least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-disciplinary remedial proceedings.

XII. No civil action shall be maintained against the office or the board, or any member of the board, office, or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board or office in relation to proceedings under this chapter.

XIII. Misconduct sufficient to support disciplinary proceedings under this section includes:

(a) Violating any provision of this chapter or substantive rule adopted under this chapter.
(b) Violating any provision of a board practice act, substantive rule of a board promulgated pursuant to RSA 541-A, or order issued by the board.

(c) Engaging in practice of the licensed profession in a manner harmful or dangerous to a patient, client, or the public.

(d) Fraud or deceit in procuring or attempting to procure a license, certification, or other authorization to practice a profession.

(e) An act or omission causing another state or territory of the United States to revoke or suspend a license, certification, or other authorization to practice a profession, or to discipline the person authorized to practice a profession.

(f) Engaging in false or misleading advertising.

(g) Any other misconduct set forth in rules adopted by a board pursuant to RSA 541-A.

XIV. In cases involving imminent danger to life or health, a board within the office may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 541-A. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

310:11 Licensing Proceedings.

I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the executive director.

II. If a board denies a license following a licensing proceeding, its final decision shall be issued in accordance with RSA 541-A.

III. In carrying out licensing proceedings, the board shall have the authority to:

(a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;

(b) Appoint a board member or other qualified person as presiding officer; and

(c) Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.

IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

310:12 Sanctions.

I. Upon making an affirmative finding that a licensee has committed professional misconduct, boards may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension of a license for a period of time as determined reasonable by the board.

(c) By revocation of license.
(d) By placing the licensee on probationary status. The board may require the person to
submit to any of the following:
   (1) Regular reporting to the board concerning the matters which are the basis of the
   probation.
   (2) Continuing professional education until a satisfactory degree of skill has been
   achieved in those areas which are the basis of probation.
   (3) Submitting to the care, counseling, or treatment of a physician, counseling
   service, health care facility, professional assistance program, or any comparable person or facility
   approved by the board.
   (4) Practicing under the direct supervision of another licensee for a period of time
   specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall
not exceed $3,000 per offense, or, in the case of continuing offenses, $300 for each day that the
violation continues, whichever is greater.

II. The board may issue a non-disciplinary confidential letter of concern to a licensee
advising that while there is insufficient evidence to support disciplinary action, the board believes
the licensee or certificate holder should modify or eliminate certain practices, and that continuation
of the activities which led to the information being submitted to the board may result in action
against the licensee's license. This letter shall not be released to the public or any other licensing
authority, except that the letter may be used as evidence to establish a relevant pattern or course of
conduct in subsequent adjudicatory proceedings by the board.

III. In the case of sanctions for discipline in another jurisdiction, the decision of the other
jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any
of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard
prior to imposing any sanctions.

IV. In cases involving imminent danger to public health, safety, or welfare, a board may
order immediate suspension of a license or certification pending an adjudicative proceeding before
the board to determine if the suspension should remain in place pending final adjudication of the
matter, and which shall commence not later than 10 working days after the date of the order
suspending the license unless the licensee or certified individual agrees in writing to a longer period.
In such cases of immediate danger, the board shall comply with RSA 541-A:30.

V. For any order issued in resolution of a disciplinary proceeding by the board, where the
board has found misconduct sufficient to support disciplinary action, the board may require the
licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed
the reasonable cost of investigation and prosecution of the proceeding. This sum may be imposed in
addition to any otherwise authorized administrative fines levied by the board as part of the penalty.
The investigative and prosecution costs shall be assessed by the office and any sums recovered shall
be credited to the office's fund and disbursed by the office for any future investigations of complaints
and activities that violate this chapter or rules adopted under this chapter.

310:13 Unlicensed Practice.

I. Whoever, not being licensed or otherwise authorized to practice according to the laws of
this state, advertises oneself as engaging in a profession licensed or certified by the office of
professional licensure and certification, engages in activity requiring professional licensure, or in any
way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does
such acts after receiving notice that such person's license to practice has been suspended or revoked,
is engaged in unlawful practice. After providing notice and opportunity to be heard, and upon
making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the
amount of any gain or economic benefit that the person derived from the violation, or up to $10,000
for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice
shall be deemed a separate offense.

II. The board, the state's attorney general, or a prosecuting attorney of any county or
municipality where the act of unlawful practice takes place may maintain an action to enjoin any
person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not
replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to
any board.

III. Any person convicted of violating this section shall be guilty of a class A misdemeanor if
a natural person, or guilty of a felony if any other person.

310:14 Rehearing; Appeals.

I. Any person who has been denied a license or certification by the office or a board shall
have the right to a rehearing before the appropriate board. Requests for a rehearing shall be made
in writing to the appropriate board within 30 days of receipt of the original final decision.

II. Any person who has been disciplined by a board shall have the right to petition in writing
for a rehearing within 30 days of receipt of the original final decision.

III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant
to RSA 541. No sanction shall be stayed by the board during an appeal.

286 Repeal. RSA 310-A:1 through 310:1-p, relative to the organization of the office of
professional licensure and certification, are repealed.

287 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees;
Rulemaking. Amend RSA 309-B:4, I(a) to read as follows:

I.(a) There is hereby created the New Hampshire board of accountancy, which shall have
responsibility for the administration and enforcement of this chapter. The board shall consist of [7]
5 members, all of whom shall be residents of this state appointed by the governor with the approval
of council. [Five] Four members shall be holders of certificates under RSA 309-B:5 or corresponding
provisions of prior law, and [2 members] 1 member shall be a public [members] member, who [are]
is not, and never [were, members] was, a member of the accounting profession, or the spouses of such persons, but who [have, or have] has, or has had, professional or practical experience in the use of accounting services and financial statements so as to be qualified to make judgments about the qualifications and conduct of persons and firms subject to regulation under this chapter.

288 Board of Accountancy Repeals. The following provisions of RSA 309-B are repealed:

I. RSA 309-B:4, VI(b), relative to rules of investigations.

II. RSA 309-B:11, relative to investigations.

III. RSA 309-B:12, relative to hearings.

IV. RSA 309-B:13, relative to reinstatement.

V. RSA 309-B:15, relative to injunctions.

289 Acupuncture; Rulemaking Transferred. To eliminate workforce barriers and provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation RSA 328-G, relative to acupuncture, shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023. The executive director shall consult with the advisory board of acupuncture licensing when implementing RSA 328-G. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

290 Acupuncture; Definitions. Amend RSA 328-G:2, III to read as follows:

III. "Board" means the advisory board of acupuncture licensing established under RSA 328-G:3.

291 Acupuncture; Board Established. RSA 328-G:3 is repealed and reenacted to read as follows:

328-G:3 Board Established.

I. The executive director shall establish an advisory board of acupuncture licensing consisting of 3 members. One member shall be a certified acupuncture detoxification specialist. Two members shall be licensed acupuncturists. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the executive director regarding the implementation of this chapter.

II. The executive director, in consultation with the advisory board, shall adopt rules pursuant to RSA 541-A relative to the practice of acupuncture and acupuncture detoxification, including rules regarding the procedure for granting, revoking, and reinstating a license.

292 Repeal. RSA 328-G:3, relative to the organization and meetings of the acupuncture board, is repealed.

293 Acupuncture; Rulemaking Authority. Amend the introductory paragraph of RSA 328-G:7 to read as follows:

328-G:7 Rulemaking Authority. The [board] executive director, in consultation with the advisory board, shall adopt rules, under RSA 541-A, relative to:
294. Acupuncture; Rulemaking Authority. Amend RSA 328-G:7, X to read as follows:

   X. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the [board] executive director.

295. Acupuncture; Licensure Required; Renewal; Reissuance; Continuing Education. Amend RSA 328-G:9 to read as follows:

   328-G:9 Licensure Required; Renewal; Reissuance; Continuing Education.

   I. No person shall practice acupuncture within this state without first obtaining a license from the [board] executive director except physicians licensed under RSA 329 and doctors of naturopathic medicine certified under RSA 328-E:12.

   II. The [board] executive director shall issue a license to any applicant who satisfies all of the following requirements:

      (a) Has reached the age of majority.

      (b) Has current, active NCCAOM certification, or prior NCCAOM certification with documentation of continuing education pursuant to paragraph X of this section, or equivalent certification approved by the [board] executive director through examination or Credentials Documentation Review.

      (c) Has paid the required license application fee and filed the [board] executive director approved licensure application.

      (d) Is of good professional character.

      (e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution, and has a current, valid license to practice acupuncture from another state whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or

             (2) Has successfully completed a post-secondary acupuncture college program which is approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"), including its successors or predecessors, or the board; or

             (3) Has successfully completed an apprenticeship program that, at the time of completion, was in compliance with certification standards set by NCCAOM, including its successors or predecessors. All applicants seeking licensure via apprenticeship route who have not graduated from an accredited acupuncture school must be able to meet all NCCAOM standards for certification or hold a valid license to practice acupuncture from another state whose requirements are substantially similar to or exceed the requirements of RSA 328-G:9, II.

   III. Only a person licensed under this chapter or a physician licensed under RSA 329 or a doctor of naturopathic medicine certified under RSA 328-E:12, shall hold out to members of the public that such person is practicing acupuncture, or use a title or description which suggests such, including any of the following:

      (a) C.A. or Certified Acupuncturist.

      (b) Acupuncturist.
(c) M.D., C.A. or M.D., Certified Acupuncturist.

(d) Any other letters or words denoting that the person practices acupuncture.

IV. Notwithstanding paragraph III, the title, "Licensed Acupuncturist", and its abbreviations, "L.Ac." or "Lic. Ac.", shall be used only by persons licensed under this chapter.

V.(a) Whoever, not being licensed or exempted as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice acupuncture, or whoever does so after receiving notice that one's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor in such a way as to imply that such credential relates to the provision of acupuncture services, or use any physician's or doctor's insignia for such purposes shall be in violation of this chapter.

(b) Notwithstanding subparagraph (a), the only persons licensed under this chapter that shall be allowed to call themselves a doctor shall be those who have earned a doctoral degree in the practice of acupuncture from an accredited educational institution or other program approved by the board pursuant to administrative rules.

VI. Persons licensed pursuant to this chapter who engage in the practice of acupuncture without complying with this chapter shall be subject to refused renewal, limitation, revocation, or suspension of their license.

VII. Nothing in this chapter is intended to limit, interfere with, or prevent any other licensed health care professionals from practicing within the scope of their licenses as defined by each profession's New Hampshire licensing statutes, but they shall not hold themselves out to the public or any private group of business by any title or description of services that includes any of the terms in paragraphs III or IV unless they are licensed under this chapter, RSA 329, or RSA 328-E:12.

VIII. Notwithstanding any other provisions of law to the contrary, those health care professionals licensed under RSA 316-A who are practicing acupuncture as of July 1, 1997 may petition the [board] executive director for an exemption to the licensure requirements of this chapter. The [board] executive director shall consider the educational qualifications and the clinical experience of those individuals licensed under RSA 316-A seeking exemption to the licensure requirements of this chapter.

IX. The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-h.

X. As a condition of renewal of license, the [board] executive director shall require each licensee to show proof of having completed for each biennial period continuing education units at approved institutions or as approved by the board in accordance with rules adopted by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement.
296 Acupuncture; Certified Acupuncture Detoxification Specialist. Amend RSA 328-G:9-a to read as follows:

328-G:9-a Certified Acupuncture Detoxification Specialist.

I. The [board] executive director shall certify as an acupuncture detoxification specialist a qualified individual, not licensed by the [board] executive director as an acupuncturist, who has successfully completed NADA training or other training in acupuncture detoxification protocols as determined by the [board] executive director and complied with the rules of the [board] executive director adopted pursuant to RSA 328-G:7, XIV.

II. (a) A "qualified individual" shall mean a licensed health care professional, recovery coach, peer counselor, or other [board] executive director approved professional, trained in acu-detox, a standardized auricular acupuncture protocol developed by the NADA, or a training that meets or exceeds the NADA training, as determined by the [board], provided she or he is under the general supervision of a licensed acupuncturist, trained in the NADA protocol or equivalent for the purposes of behavioral health applications, including addictions, mental health, and disaster and emotional trauma.

(b) "General supervision" shall be provided by site visit, phone, or other electronic means during business hours with at least 2 site visits per year by a licensed acupuncturist currently licensed in New Hampshire pursuant to RSA 328-G:9. The supervising licensed acupuncturist shall not be required to be on site for direction and supervision, but shall be available at least by telecommunications.

III. Nothing in this chapter is intended to limit, interfere with, or prevent an acupuncture detoxification specialist certified by the [board] executive director from practicing within the scope of his or her certification.

297 Acupuncture; Scope of Practice. Amend RSA 328-G:10, II to read as follows:

II. Notwithstanding paragraph I, the scope of practice may be further defined by the [board] executive director in accordance with RSA 541-A.

298 Acupuncture; Scope of Practice. Amend RSA 328-G:10, V to read as follows:

V. Persons licensed by the [board] executive director to practice acupuncture shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

299 Acupuncture; Powers and Duties of the Executive Director. Amend RSA 328-G:11 to read as follows:

328-G:11 Powers and Duties of the [Board] Executive Director.

I. The [board] executive director shall:

(a) Ensure that licensed acupuncturists serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.
(b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the [board] executive director under the authority granted in this chapter.

(c) Maintain an accurate account of all receipts, expenditures, and refunds granted under this chapter through the office [of licensure and certification] and in accordance with the retention policy established by the office [of professional licensure and certification].

(d) Maintain a record of its acts and proceedings, including the issuance, refusal, suspension, or revocation of licenses in accordance with the retention policy established by the office [of professional licensure and certification].

(e) Keep all applications for licensure in accordance with the retention policy established by the office [of professional licensure and certification].

(f) Maintain a record of the results of all examinations it gives in accordance with the retention policy established by the office [of professional licensure and certification].

(g) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations in accordance with the retention policy established by the office [of professional licensure and certification].

(h) Keep the records of the [board] executive director open to public inspection at all reasonable times.

(i) Adopt and use a seal, the imprint of which, together with the [signatures of the chairperson or vice-chairperson and the secretary-treasurer of the board] signature of the executive director, shall evidence its official acts.

II. The [board] executive director may appoint qualified personnel to administer any part or all of any examinations provided for under this chapter.

III. The [board] executive director shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

IV. Witnesses summoned before the [board] executive director shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

V. [Repealed.]

VI. [Repealed.]

300 Acupuncture, Disciplinary Actions. Amend RSA 328-G:12 to read as follows:

I. The [board] executive director may undertake disciplinary proceedings:

(a) Upon [its] his or her own initiative; or
Upon written complaint of any person which charges that a person licensed by the [board] executive director has committed misconduct under paragraph II and which specifies the grounds for the misconduct.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Conviction of any crime which demonstrates unfitness to practice acupuncture.

(c) Violation of the standards adopted under RSA 328-G:7, V.

(d) Demonstrable gross incompetence of the licensee.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.

(f) A legal finding of mental incompetence.

(g) Willful or repeated violation of the provisions of this chapter.

(h) Suspension or revocation without subsequent reinstatement of a license, similar to one issued under this chapter, in another jurisdiction.

III.(a) The [board] executive director may take disciplinary action in any one or more of the following ways:

(1) By public or private reprimand.

(2) By suspension, limitation, or restriction of license.

(3) By revocation of license.

(4) By assessing administrative fines in amounts established by the [board] executive director which shall not exceed $2000 per offense, or in the case of a continuing offense, $250 for each day the violation continues.

(b) Disciplinary action taken under this paragraph may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the [board] executive director and reviewed in accordance with RSA 541.

(c) No person licensed under this chapter shall continue to practice acupuncture while the person's license is suspended or revoked.

301 Acupuncture; Penalties. Amend RSA 328-G:14 to read as follows:

328-G:14 Penalties. It shall be a class A misdemeanor for any natural person, and a felony if any other person, to violate RSA 328-G:9, or to act as an acupuncture detoxification specialist without current certification by the [board] executive director under RSA 328-G:9-a.

302 Architects Repeals. The following provisions of RSA 310-A are repealed:

I. RSA 310-A:32, I(g), relative to administrative rules.

II. RSA 310-A:32, I(h), relative to rulemaking regarding hearings procedures.

III. RSA 310-A:33, relative to fees.
IV. RSA 310-A:46, relative to relative to expiration and renewals of licensure and certification.

V. RSA 310-A:47, relative to investigations and disciplinary proceedings.

VI. RSA 310-A:48, relative to hearings.

VII. RSA 310-A:49, relative to reissuance of licenses.

VIII. RSA 310-A:51, relative to restraint of violations.

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

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

310-C:1 Assessing Certification Advisory Board.

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

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

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

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

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

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

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

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

306 Assessing Certification Board Repeal. The following are repealed:

I. RSA 310-C:9, relative to the term of certification.

II. RSA 310-C:12, I, relative to the assessing certificate.

III. RSA 310-C:13, relative to disciplinary proceedings.
IV. RSA 310-C:14, relative to hearings and investigations.

V. RSA 310-C:16, relative to summons and oaths.

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

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

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

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

311-B:3 Rulemaking Authority.

I. The board, with the approval of the secretary of state, shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

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

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

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

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

(b) Board approval of auctioneering educational programs; and

(c) Standards governing auctioneering apprenticeships.

311 Auctioneers; Acts Prohibited; Use of Name by Business Organization. Amend RSA 311-B:4, III to read as follows:

III. The [secretary of state] executive director shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "auction," "auctioneer," or "auctioneering" or any modification or derivative thereof in its corporate or business name or which includes the practice of auctioneering among the objectives for which it is established unless the board shall have issued, with respect to such applicant, a certificate of authorization, a copy of which shall have been presented to the [secretary of state] executive director. The board shall issue such a certificate only to an authorized business
organization. The [secretary of state] executive director shall decline to register any trade name or
service mark which includes such words or modifications or derivatives thereof in its firm or
business name except for trade names and service marks of business entities which have presented
to the [secretary of state] executive director proof that they qualify as authorized business
organizations under this chapter.

312 Auctioneers; Qualifications; Application. Amend RSA 311-B:5 to read as follows:
311-B:5 Qualifications; Application. The [board] executive director shall grant licensure to
any applicant who:

I. Shall have attained the age of 18 years by the date the board receives the application;
II. Submits professional references or recommendations that comply with other standards
specified by rule, certifying that the applicant is trustworthy and competent to auction real,
personal, and mixed property in such a manner as to safeguard the interests of the public. Each
such recommendation shall set forth the writer's name, address, and occupation, the extent of the
writer's acquaintanceship with the applicant, the writer's familiarity with the applicant's past
business experience and dealings, and any additional knowledge of the applicant's background upon
which the writer bases the recommendation;

III. Pays the initial licensure fee;
IV. [Repealed.]
V. Has good professional character;
VI. Meets the eligibility standards established by the board through rulemaking;
VII. Pays the examination fee [specified by the board through rulemaking] if the
examination is one developed or administered by the board; and
VIII. Passes an examination [administered by the board or an examination] administered by
another entity and approved by the board through rulemaking.

313 Auctioneers; Repeals. The following are repealed:
I. RSA 311-B:4-a, relative to cease and desist orders for auctioneering without a license.
II. RSA 311-B:6, relative to nonresidents.
III. RSA 311-B:10, relative to renewals and reinstatement.
IV. RSA 311-B:11, relative to disciplinary action.
V. RSA 311-B:11-a, relative to hearings.

314 Auctioneers; Disposition of Revenue. Amend RSA 311-B:14 to read as follows:
311-B:14 Disposition of Revenue. All moneys collected under this chapter shall be paid into the
[government fund and are appropriated therefrom to the secretary of state for the purpose of carrying out
the provisions of this chapter] office of professional licensure and certification fund.

315 Barbering, Cosmetology, and Esthetics; Board. Amend RSA 313-A:2, I to read as follows:
I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as
follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one licensed
manicurist, [one owner of a licensed barbering, cosmetology, esthetics, or manicuring school who shall be a resident of New Hampshire or a designee of such owner who shall be a licensee and a resident of New Hampshire, one owner of a registered tanning facility] and one public member; each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. Time served in filling an unexpired term shall not affect an appointee’s eligibility to serve 2 consecutive full terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

316 Barbering, Cosmetology and Esthetics; Repeals. The following provisions of RSA 313-A are repealed:

I. RSA 313-A:4, relative to maintenance of records.
II. RSA 313-A:8, V, relative to fees.
III. RSA 313-A:8, VIII, relative to procedural rules for hearings.
IV. RSA 313-A:14, relative to nonresidents.
V. RSA 313-A:15, relative to examinations.
VI. RSA 313-A:19, II(b), relative to shop licensure requirements for booths.
VII. RSA 313-A:20, relative to expiration and renewal of licensure.
VIII. RSA 313-A:22, relative to disciplinary action.
IX. RSA 313-A:23, relative to hearings.

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

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

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

[.] The governing boards’ chairpersons or their appointees shall make up the board of directors of the office of licensed allied health professionals. The board of directors shall have the authority to delegate to the person in the supervisory position matters of administrative and personnel management.

[.] There shall be an office of licensed allied health professionals established in Concord within the office of professional licensure and certification.]

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

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

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

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

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

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

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

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

II. The office of [licensed allied health professionals] professional licensure and certification shall review the criminal record information prior to the respective governing board making a decision on licensure or certification and shall maintain the confidentiality of all criminal history records received pursuant to this section.

III. The applicant shall bear the cost of all criminal history record checks.
IV. The [board] **office of professional licensure and certification** shall consider military security clearance for an individual actively serving in any component of the Department of Defense in lieu of criminal background checks.

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

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

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

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

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

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

321 Repeals; Allied Health. The following are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XVI. RSA 328-F:23, relative to allied health professionals disciplinary action and hearings.
XVII. RSA 328-F:24, relative to allied health professionals investigations.

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

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

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

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

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

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

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

324 Boxing and Wrestling Commission; Establishment of Commission. Amend RSA 285:7 as follows:

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

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

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

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

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

V. Promoters’ bonds; and

VI. Insurance coverage required by the commission.

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

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

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

285:11 Licenses Required. No person shall participate in a professional fighting sports competition as a contestant, manager, referee, judge, second or timekeeper without a license from the commission. The fee for all licenses issued by the commission shall be $20. Licenses granted by the commission shall be valid for one year from the date of issue unless revoked or suspended by the commission. The commission shall, upon application, renew any license unless good cause is shown...
that the license should not be renewed. The fee for all license renewals issued by the commission shall be $20.]  
327 Boxing and Wrestling Commission; Suspension or Revocation; Appeals. Amend RSA 285:12 as follows:  
285:12 Suspension or Revocation; Appeals.  
   [I] The commission may revoke or suspend any permit or license for cause.  
   [II. Rehearings and appeals from any decision of the commission shall be in accordance with RSA 541.]  
328 Office of Professional Licensure and Certification; Boxing and Wrestling Commission; Permit and License Fees; Amateur Cards. Amend RSA 285:14, II as follows:  
II. The promoter also shall, at the same time, pay to the office of professional licensure and certification by certified check a tax of 5 percent of the gross receipts of paid admissions after deduction of any federal taxes. Payments made pursuant to this section shall be deposited into a dedicated fund, which shall lapse annually at the close of each fiscal year to the general fund.  
329 Boxing and Wrestling Commission; Deputy Inspectors. Amend RSA 285:19 as follows:  
285:19 Deputy Inspectors. A member of the commission is not required to be present at all fighting sports competitions. If a member of the commission is not present at a fighting sports competition held under this chapter, the commission shall appoint a deputy inspector who shall, for the duration of the contest, have the full duties and powers of a member of the commission. Deputy inspectors shall be entitled to compensation as the commission, with the approval of the executive director, may deem proper.  
330 Repeals; Boxing and Wrestling Commission. The following are repealed:  
I. RSA 285:5, relative to boxing and wrestling commission chairperson, treasurer, and quorum.  
II. RSA 285:6, relative to boxing and wrestling commission compensation.  
III. RSA 285:8, relative to boxing and wrestling commission report.  
331 Chiropractic; Privileged Communications. Amend RSA 316-A:27 to read as follows:  
316-A:27 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensed person's patient are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such doctor of chiropractic shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a doctor of chiropractic that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising doctor of chiropractic. This section shall not apply to disciplinary hearings or actions conducted under [RSA 316-A:22, relative to the board of chiropractic
examiners.] RSA 326-B, relative to the board of nursing, RSA 151-A:11, relative to the board of
examiners of nursing home administrators, or any other statutorily created medical occupational
licensing board conducting disciplinary proceedings. This section shall not apply to hearings
carried out pursuant to RSA 135-C:27-54.
332 Repeals. The following are repealed:
I. RSA 316-A:3, X, relative to chiropractic procedures for investigations.
II. RSA 316-A:3, XI, relative to chiropractic hearings procedures.
III. RSA 316-A:3, XII, relative to chiropractic methods of informing the public of results of
disciplinary action.
IV. RSA 316-A:5, relative to chiropractic fees.
V. RSA 316-A:8, relative to chiropractic income.
VI. RSA 316-A:11, I, relative to chiropractic fees and qualifications.
VII. RSA 316-A:15-a, relative to chiropractic services provided by telemedicine.
VIII. RSA 316-A:18, relative to chiropractic applicants from other states.
IX. RSA 316-A:20, relative to chiropractic renewal.
X. RSA 316-A:21, relative to chiropractic inactive list.
XI. RSA 316-A:22, relative to chiropractic disciplinary action.
XII. RSA 316-A:23, relative to chiropractic notice and hearing procedure.
XIII. RSA 316-A:23-a, relative to chiropractic investigations.
XIV. RSA 316-A:25, relative to chiropractic penalties.

333 Dentists and Dentistry; Board; Appointment; Term; Compensation. Amend RSA 317-A:2, I
as follows:
I. There shall be a board of dental examiners consisting of [9] 5 members; including [6] 4
dentists,[2 dental hygienists,] and one public member, each to be appointed by the governor, with
the approval of the council, to a term of 5 years. No member of the board shall be appointed to more
than 2 consecutive terms. Only board members provided for in this paragraph shall have the
authority to vote in board determinations.

334 Dentists and Dentistry; Eligibility. Amend RSA 317-A:3 as follows:
317-A:3 Eligibility. All members of the board shall be residents of this state for a period of at
least 5 years prior to their appointment. [The dental hygiene members shall have been engaged in
the practice of dental hygiene in this state for a period of at least 5 years prior to appointment.] There shall be no more than one member of the board who is also a full-time faculty member of a
school of dentistry or school of dental hygiene.

335 Dentists and Dentistry; Duties; Organization; Meetings; Records. RSA 317-A:4 is repealed
and reenacted to read as follows:
317-A:4 Duties; Organization; Meetings; Records.
I. The board of dental examiners will have the following powers and duties:
(a) To determine eligibility requirements for licensure in dentistry; and
(b) To undertake, when appropriate, disciplinary proceedings and disciplinary action
against licensees

II. The board shall choose one of its members as its president and one of its members as
vice-president. A majority of the members of the board who have been approved by the governor and
council shall constitute a quorum. No board action shall be taken without an affirmative vote of the
majority of board members present and eligible to participate in the matter in question. Board
members shall not be eligible to participate in a vote when the board member has secured himself or
herself from participation due to a conflict of interest.

336 Dentists and Dentistry; License Required. Amend RSA 317-A:7 as follows:
317-A:7 License Required. No person shall begin the practice of dentistry[or dental hygiene] without first obtaining a license for such purpose from the [board] office of professional licensure
and certification.

337 Dentists and Dentistry; License by Endorsement. Amend the introductory paragraph RSA
317-A:7-a to A-7-a, I as follows:
317-A:7-a Licensure by endorsement [may be considered by the board] shall be issued by the
office of professional licensure and certification in accordance with board rules for each
applicant who holds a current, unrestricted license and registration certificate to practice dentistry
[or dental hygiene] and who submits to the [board] office of professional licensure and
certification the required credentials if, for the 3 years immediately preceding the application, the
applicant:
I. Has practiced clinical dentistry [or practiced clinical dental hygiene] in one or more states;
or
II. Has been in dental specialty training; or
III. Has been in active military service as a dentist; or
IV. Has been in any combination of these.

338 Dentists and Dentistry; Applications. Amend RSA 317-A:8 as follows:
I. Applications for licensure shall be made [to the board] in writing or online and shall be
accompanied by a fee [established in rules adopted under RSA 541-A by the board] and by
satisfactory proof that the applicant is a graduate of a school that is recognized by the Commission
on Dental Accreditation (CODA). The applicant shall be of good professional character and 18 years
of age or older.

II. [Any person applying for any license or privilege under this chapter, including any person
seeking to convert from inactive to active status, shall provide the board with information relating to
dental competence and professional conduct, to permit the board to make a fully informed decision
that the applicant possesses sufficient competence and character to be issued a license under this
chapter.
III. A temporary license may be issued to a person for research projects and programs of professional education having clinical dental components in accordance with eligibility requirements established by the board pursuant to RSA 541-A.

[V. ] III. A temporary license may be issued to dentists and dental hygienists for the provision of voluntary dental or dental hygiene services in accordance with eligibility requirements established by the board pursuant to RSA 541-A. To qualify for licensure under this paragraph, the applicant shall be an active, inactive, or former licensee in New Hampshire or in another state or Canadian province as determined by the board.

[V. ] IV. No application shall be granted unless the board finds that the applicant possesses the necessary educational, character, and other professional qualifications to practice dentistry [or dental hygiene] and that no circumstances exist which would be grounds for disciplinary action against a licensed dentist [or hygienist pursuant to RSA 317-A:17, II].

339 Dentists and Dentistry; Criminal History Record Checks. Amend RSA 317-A:8-a as follows:

317-A:8-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board of dental examiners office of professional licensure and certification a criminal history record information authorization form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record information, if any, to the board of dental examiners office of professional licensure and certification.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the office of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board of dental examiners office of professional licensure and certification may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board of dental examiners office of professional licensure and certification shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board of dental examiners office of professional licensure and certification.

IV. [The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

[V. ] The applicant shall bear the cost of a criminal history record check.

340 Dentists and Dentistry; Examinations. Amend RSA 317-A:9 as follows:
317-A:9 Examinations. Applicants for a license to practice dentistry [or dental hygiene] shall [be examined by the board or] have successfully passed a national or regional test accepted by the board. Examinations may be oral, clinical, written, or any combination at the discretion of the board and shall be of such character as to test the qualifications of the applicant to practice dentistry or dental hygiene. No license shall be granted to any applicant who shall not pass such examination.

341 Dentists and Dentistry; Rulemaking Authority. Amend RSA 317-A:12, XII-a, as follows:

XII-a. The use of general anesthesia, deep sedation, and moderate sedation, in dental treatment under RSA 317-A:20, including:

(a) Required credentials.

(b) Application [and application fee].

(c) On-site evaluations of personnel, facility, equipment, and records as they pertain to the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any combination thereof.

[(d) Fee for the on site evaluations under subparagraph (c). If the evaluation is done by a third party, the fee need not be established by rule under or pursuant to RSA 541-A. Third party fees shall be paid directly to the third party.

(ω) (d) The issuance of permits for use of general anesthetics, deep sedation, and moderate sedation, or of permits for use of moderate sedation.

[(θ) (e) The requirement that the physical presence of the dentist licensed under RSA 317-A:7, an anesthesiologist licensed under RSA 329, or a nurse anesthetist licensed under RSA 326-B:18 is required while general anesthesia, deep sedation or moderate sedation is in effect.

[(φ) (f) The establishment of the qualifications of dentists to administer general anesthesia or deep sedation which may include a residency training program accredited by the Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for established practitioners to document his or her qualifications. Administration of general anesthesia or deep sedation to patients under the age of 13 shall be subject to additional rules including:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt dentists who are board eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery from this requirement.

(2) The dentist shall be trained in pediatric advanced life support (PALS) and airway management, equivalent to the American Academy of Pediatrics and American Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the board.
Informed consent shall include the statement that the procedure may be performed in a hospital setting with additional anesthesia personnel, possibly at an increased expense.

[g] A physical evaluation and medical history shall be taken before the administration of moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the minimum requirements for physical evaluation and medical history;

342 Dentists and Dentistry; Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

II.(a) Any dentist who wishes to administer general anesthesia, deep sedation, or moderate sedation shall apply to the board for the appropriate permit [and pay an application fee] set by the board in accordance with RSA 317-A:12, XII-a.

(b) The board shall require the documentation of competence according to the rules adopted under RSA 317-A:12, [XII-a(g)] XII-a(f) before issuing such a permit.

(c) The rules of the board shall require an appropriate number of hours of continuing education as a condition for issuing or reissuing such a permit.

343 Dentists and Dentistry; Professional Misconduct. Amend RSA 317-A:17, II(n) to read as follows:

(n) Failing to perform an adequate history and physical as defined in rules under RSA 317-A:12, [XII-a(h)] XII-a(g) or to obtain the written informed consent of a patient prior to the administering general anesthesia, deep sedation, or moderate sedation. In the case of a minor, the consent shall be obtained from the child’s parent or guardian.

344 Dentists and Dentistry; Professionals’ Health Program. Amend RSA 317-A:16-a, I, as follows:

I. Any peer review committee may report relevant facts to the board or office relating to the acts of any dentist in this state if it has knowledge relating to the dentist which, in the opinion of the peer review committee, might provide grounds for disciplinary action [as specified in RSA 317-A:17, II].

345 Dentists and Dentistry Professionals’ Health Program. Amend RSA 317-A:16-a, V, as follows:

V. The [board] office of professional licensure and certification may contract with other organizations to operate the professionals’ health program for dentists who are impaired or potentially impaired because of mental or physical illness including substance abuse or disruptive behavior. This program shall be available to all dentists licensed in this state and all dentists seeking licensure in this state, and shall include, but shall not be limited to, education, intervention, ongoing care or treatment, and post-treatment monitoring.

346 Dentists and Dentistry; Professionals’ Health Program. Amend RSA 317-A:16-a, VII, as follows:
VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to [RSA 310 A:1-d, I(b)(4)] RSA 541-A.

347 Dentists and Dentistry; Practice of Dentistry. Amend RSA 317-A:20, IV to read as follows:

IV. Such things as the board shall determine to be "dental hygiene" under RSA 317-A:12 [or RSA 317-A:21-e] shall not be deemed to be the practice of dentistry within the meaning of this section.

348 Dentists and Dentistry; Proceedings of Dental Peer Review Committee. Amend RSA 317-A:37, as follows:

317-A:37 Proceedings of Dental Peer Review Committee. All proceedings, records, findings, and deliberations of any dental peer review committee of a duly established state dental society or component dental society are confidential and privileged and shall not be used or available for use or subject to process in any other proceeding. The manner in which a dental peer review committee and each member thereof deliberates, decides, or votes on any matter submitted to it is likewise confidential and privileged and shall not be the subject of inquiry in any other proceeding. Nothing in this statute shall prevent a dental peer review committee from referring complaints to the New Hampshire board of dental examiners or office of professional licensure and certification and providing the board or office with the name and contact information of the complainant.

349 Repeals; Dentists and Dentistry. The following are repealed:

I. RSA 317-A:2-a, relative to the dental hygienists committee.
II. RSA 317-A:7-b, relative to dentistry telemedicine.
III. RSA 317-A:12, IV(a), relative to time and place for examinations.
IV. RSA 317-A:12, IX, relative to procedures for hearings.
V. RSA 317-A:12, XII, relative to imposition of administrative fines.
VI. RSA 317-A:12, XII-e, relative to requirements for dental assistants or hygienists to provide services as an expanded function of dental auxiliary.
VII. RSA 317-A:13, relative to licensure renewal.
VIII. RSA 317-A:15, relative to failure to register.
IX. RSA 317-A:15-a, relative to reinstatement of lapsed licenses.
X. RSA 317-A:16, relative to inactive list.
XI. RSA 317-A:17, relative to professional misconduct.
XII. RSA 317-A:17-a, relative to dentists immunity.
XIII. RSA 317-A:18, relative to investigatory powers.
XIV. RSA 317-A:18-a, relative to hearings.
XV. RSA 317-A:18-b, relative to temporary suspension.
XVI. RSA 317-A:20-a, relative to adverse events.
XVII. RSA 317-A:21, relative to hygienists licensure.
XVIII. RSA 317-A:21-a, relative to examinations.
To reduce workforce barriers, eliminate anticompetitive behavior, and provide state supervision over regulatory bodies comprised of active market participants, the responsibility for regulating dental hygienists shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023. The executive director of OPLC shall consult with the advisory board established when implementing RSA 317. Administrative rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

New Chapter; Dental Hygienists. RSA 317 is repealed and reenacted to insert the following new RSA chapter:

CHAPTER 317
DENTAL HYGIENISTS

317:1 Advisory Board Established. The executive director shall establish the advisory board of dental hygienists. The board shall consist of 2 dental hygienists and one dentist. Each member shall be appointed by the executive director to a term of 3 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the executive director regarding the implementation of this chapter.

317:2 License Required.

I. For the protection of the public health, safety, and welfare, any person providing dental hygiene services in New Hampshire shall submit evidence that such person is qualified to provide those services and shall be licensed as provided in this chapter. No person shall provide dental hygiene services in New Hampshire or use any sign, card, device or the abbreviation R.D.H. or any other designation indicating such person is providing dental hygiene services, unless such person has been licensed under the provisions of this chapter.
II. Applications for licensure as a dental hygienist shall be made to the office in writing and shall be accompanied by the requisite fee and by satisfactory proof that the applicant is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Office of Education and the Commission on Dental Accreditation.

317:3 Examinations. Except as otherwise provided, applicants satisfactorily pass an examination approved by the executive director, with the advice of the advisory board. The examinations may be oral, clinical, written or a combination and shall be of such character as to test the qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any applicant who shall not pass such examination satisfactorily. The office shall have the authority to grant a license in dental hygiene to applicants who have successfully passed the requirements of any national or regional testing agency acceptable to the executive director, with the advice of the advisory board.

317:4 Certified Public Health Dental Hygienist.

I. A dental hygienist licensed under this chapter may obtain a certification to practice as a certified public health dental hygienist by submitting an application to the office in writing and completing additional educational and training requirements as required by the executive director, with advice of the advisory board. A certified public health dental hygienist practicing under this section may:

(a) Collect and assess medical and dental histories, including preliminary inspection of the oral cavity and surrounding structures, and periodontal probing and charting.
(b) Instruct in oral hygiene techniques.
(c) Prepare a treatment plan within the public health dental hygienist scope of practice.
(d) Perform complete oral prophylaxis as appropriate, including the removal of calciferous deposits and the removal of subgingival accretions and stains by scaling and root planing.
(e) Perform professional application of topical fluoride, including fluoride varnish.
(f) Place sealants, if qualified and when authorized by a dentist with an active license, provided that:
(1) Written informed consent shall be obtained from the patient's legal guardian;
and
(2) The supervising dentist and the public health dental hygienist shall be responsible for the sealants being indicated and correctly placed.
(g) Place temporary restorations without excavation.
(h) Perform radiographic imaging limited to bite wings, and occlusal and periapical radiography, as needed.
(i) Provide nutritional counseling for the control of dental disease.
(j) Provide referrals.
(k) Perform any procedure that is within the scope of practice that has been authorized under public health supervision.

II. A certified public health dental hygienist, acting under the public health supervision of an actively licensed dentist, may practice in a school, hospital, or other institution, or for a homebound person without the dentist having to be present, provided the dentist has reviewed the records once in a 12-month period.

317:5 Practice of Dental Hygiene.

I. A person shall be regarded as practicing dental hygiene within the meaning of this chapter, who performs any of the actions listed in this section or who uses the title "registered dental hygienist", the abbreviation "R.D.H.", or any other words or symbols that indicate that the person is a licensed dental hygienist.

II. Dental hygiene services shall include:

(a) The assessment of medical and dental histories, including preliminary inspection of the oral cavity, surrounding structures, and periodontal charting.

(b) The assessment of the patient to collect and evaluate complete data to identify dental hygiene care needs.

(c) The performance of the complete prophylaxis including the removal of calciferous deposits, excess cements, excess bond materials from orthodontic appliances, accretions, and stains from the supragingival and subgingival surfaces of the teeth by scaling, root planning, and polishing.

(d) The performance of procedures requiring additional education and any other procedures authorized by the executive director, with the advice of the advisory board, through rules adopted under RSA 541-A.

(e) The administration of local anesthesia.

(f) The administration of nitrous oxide/oxygen minimal sedation (anxiolysis); provided the dental hygienist is qualified by the board after training and after passing an examination approved by the executive director, with advice of the advisory board, pursuant to rules adopted pursuant to RSA 541-A.

(g) The administration, prescription and dispensing of a fluoride supplement, topically applied fluoride and chlorhexidine gluconate oral rinse.

III. Dental hygiene services shall be provided under the supervision of a licensed dentist in accordance with rules adopted by the executive director, with advice of the advisory board, pursuant to rules adopted pursuant to RSA 541-A.

IV. The practice of dental hygiene conducted under the authority of a health care charitable trust as provided in RSA 317-A:20, III(c) shall be performed by licensed dentists or by dental hygienists and who practice under the supervision of a dentist licensed pursuant to RSA 317-A. The health care charitable trust shall notify the office in writing of the name and location of the dental
317:6 Rulemaking. The executive director of the office of professional licensure and certification shall adopt rules, pursuant to RSA 541-A, with the advice of the advisory board, relative to the practice of dental hygiene. Such rules shall include eligibility requirements for licensure, including continuing education requirements.

352 Pharmacists and Pharmacies; Dealing in or Possessing Prescription Drugs. Amend RSA 318:42, II(c) to read as follows:

(c) Nothing in this section shall prohibit a dental hygienist from possessing, administering, dispensing, or prescribing a fluoride supplement, topically applied fluoride, and chlorhexidine gluconate oral rinse [pursuant to RSA 317:21 c, I(g)].

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

IV. "Journeyman electrician" means a person doing work of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment. A journeyman electrician shall be employed by a master electrician [except as provided in RSA 319-C:19]. Each journeyman electrician shall work under the direction and supervision of a master electrician.

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

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

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

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

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

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

356 Repeals. The following are repealed:

I. RSA 319-C:6-a, VI, relative to electricians rulemaking for investigations.
II. RSA 319-C:6-a, VII, relative to electricians procedural rules for hearings.
III. RSA 319-C:6-b, relative to electricians fees.
IV. RSA 319-C:9, relative to electricians renewal of licenses.
V. RSA 319-C:10, relative to electricians corporations and partnerships.
VI. RSA 319-C:12, relative to electricians disciplinary action.
VII. RSA 319-C:12-a, relative to electricians hearings.

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

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

357 Family Mediators; Transfer. To reduce workforce barriers and promote efficiency and economy, the responsibility for implementation this chapter shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023.

358 Family Mediators; Purpose. Amend RSA 328-C:1 as follows:

328-C:1 Purpose. The purpose of this chapter is to protect and assist the public by providing standards for the practice of family mediation, training and continuing education for certified family mediators and certified family mediator training programs, and disciplinary procedures for violating ethical rules and requirements.

359 New Section; Family Mediators; Executive Director. Amend RSA 328-C by inserting after section 1 the following new section:

328-C:1-a Executive Director. The executive director shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

360 Definitions. Amend RSA 328-C:2, I as follows:

I. “Board” means the advisory board of family mediator certification established by RSA 328-C:4.

361 Family Mediators; Board. Amend RSA 328-C:4 as follows:

328-C:4 Board.

I. There shall be [a] an advisory board of family mediator certification consisting of the following [4] 3 members, who shall advise the executive director of the office of professional licensure and certification on the implementation of this chapter:

(a) One judge who regularly sits in the judicial branch family division, appointed by the chief justice of the supreme court.

(b) One full-time marital master, appointed by the administrative judge of the judicial branch family division.

(c) One attorney licensed to practice law in this state, specializing in family law matters, appointed by the governor with the consent of the council.

(d) Two members of the public, appointed by the governor with the consent of the council.

(e) One mental health professional, appointed by the governor with the consent of the council.
(f) Five] (c) One certified family mediator, [nominated by the New Hampshire Conflict Resolution Association and appointed by the governor with the consent of the council] appointed by the executive director.

II. (a) Appointments and reappointments to the board shall be for 3-year terms. Vacancies shall be filled by appointment for the unexpired term. No member shall be appointed to more than 2 consecutive terms.

(b) Notwithstanding subparagraph (a), the first term of members appointed after the effective date of this subparagraph shall be as follows: 3 members shall be appointed to 3-year terms; 3 members shall be appointed to 2-year terms; and 3 members shall be appointed to 1-year terms.

(c) (b) Any member who is absent from at least 3 consecutive meetings of the board may be replaced by such member's appointing authority.

III. The board shall elect its own chairman every 2 years by a majority vote.

IV. A majority of the members of the board appointed by the [governor executive director] and council shall constitute a quorum.

362 Family Mediators; Duties of the Executive Director. Amend RSA 328-C:4-a as follows:

328-C:4-a Duties of the [Board] Executive Director. The executive director, in consultation with the advisory board shall:

I. Compile and maintain a list of certified family mediators and certified family mediator training programs and make such list available to the general public online through the official Internet site for the state of New Hampshire.

II. [Repealed.]

III. I. Establish eligibility requirements for the certification, renewal certification, and reinstatement certification of family mediators and family mediator training programs.

IV. II. Establish family mediator training and continuing education requirements.

V. III. Adopt ethical standards and standards of practice for family mediators.

VI. Investigate complaints and take necessary disciplinary action as authorized by this chapter.

VII. IV. Establish reporting requirements for certified training programs.

VIII. V. Establish procedures, fees, standards, and other requirements for qualified interns.

363 Family Mediators; Qualifications. RSA 328-C:5 is repealed and reenacted to read as follows:

328-C:5 Qualifications.

I. To be eligible for certification, conditional certification, reinstatement of certification, renewal of certification and temporary renewal of certification as a family mediator, an applicant shall be of good character.

II. To be eligible for certification or conditional certification as a family mediator, an applicant shall meet the following requirements:
(a) Satisfactory completion of a program of instruction approved by the office and at least 48 hours in length, including at least 8 hours in domestic violence, and components in family dynamics and relevant law.

(b) Completion of an internship approved by the office and at least 20 hours in length with a certified family mediator or certified family mediation program.

(c) Submission of a completed application to the office.

(d) Submission of at least 3 recommendations satisfactory to the office from persons who have participated with the applicant in family mediation work. These recommendations shall meet any additional requirements established by rules adopted by the office pursuant to RSA 541-A.

III. Notwithstanding subparagraphs II(a) and (b), the office may accept applicants found to have training and internship experience equivalent to the programs of instruction and internship approved by the office.

364 Family Mediators; Confidentiality of Information. Amend RSA 328-C:5-a as follows:

328-C:5-a  Confidentiality of Information.

I. Unless waived by the person to whom the information pertains, the following information relative to certified family mediators, applicants for certification, qualified interns, and formerly certified family mediators which may be in the possession of the [board] office shall be confidential and shall not be subject to disclosure, except as provided in paragraph II, absent an order of the court:

(a) The person's date of birth, social security number, residence address, and home telephone number.

(b) The person's reason for leaving any past employment or the facts giving rise to any reprimand, censure, license revocation or suspension, disbarment, disqualification, or discipline given by any professional organization or entity supervising or overseeing a profession, other than the board.

(c) Whether or not the person has been a defendant in any criminal proceeding, information concerning such proceedings, any executed criminal records release, and the results of any criminal records check.

(d) The addresses and telephone numbers of the individuals who have submitted letters of reference in support of any application for certification.

(e) Any photograph identification card or other document issued by a governmental agency submitted in support of an application that includes an applicant's date of birth, social security number, residence address, or home telephone number.

(f) Any information deemed confidential under RSA 91-A or other applicable law.

II. Notwithstanding paragraph I and RSA 91-A, the [board] office may disclose to any New Hampshire court with the authority to appoint a family mediator, or which possesses oversight authority over the professional activities of individuals who may serve as family mediators, any
records, documents, or information in the possession of the board relating to a certified family mediator, an applicant for certification, or a formerly certified family mediator, except for his or her social security number.

365 Family Mediators; Rulemaking Authority. RSA 328-C:8 is repealed and reenacted to read as follows:

I. The executive director, with advise of the advisory board, shall adopt rules for family mediators and family mediator training programs pursuant to RSA 541-A, relative to the following:

(a) The eligibility requirements for certification, renewal of certification, recertification, and reinstatement of certification.

(b) Content of training programs and training equivalents allowed under RSA 328-C:5, III.

(c) Content of internships and duration and content of internship equivalents allowed under RSA 328-C:5, III.

(d) The ethical standards and standards of practice for family mediators certified in New Hampshire.

(e) Procedures for the reporting of activities conducted by certified family mediators and certified family mediator training programs.

(f) Disciplinary penalties and sanctions for certified family mediators and martial mediator training programs.

(g) Reporting requirements for certified training programs.

II. The executive director may adopt rules for family mediators and family mediator training programs, pursuant to RSA 541-A, relative to the application requirements and criteria for temporary renewal of certification and conditional certification.

366 Repeals; Family Mediators. The following are repealed:

I. RSA 328-C:5-b, relative to immunity.

II. RSA 328-C:6, relative to continuing education.

III. RSA 328-C:7, relative to disciplinary action.

IV. RSA 328-C:7-a, relative to appeals.

V. RSA 328-C:11, relative to fees.

VI. RSA 328-C:13, relative to family mediator certification administrative functions.

367 Repeals; Foresters. The following are repealed:

I. RSA 310-A:98, relative to foresters licensing general provisions.

II. RSA 310-A:99, relative to foresters licensing definitions.

III. RSA 310-A:100, relative to foresters licensing board establishment and expenses.

IV. RSA 310-A:101, relative to foresters licensing procedures.

V. RSA 310-A:102, relative to foresters licensing rulemaking.

VI. RSA 310-A:103, relative to foresters licensing disclosure.
VII. RSA 310-A:104, relative to foresters licensing qualifications for license.
VIII. RSA 310-A:105, relative to foresters licensing application fees.
IX. RSA 310-A:106, relative to foresters licensing examination and re-examination fee.
X. RSA 310-A:108, relative to foresters licensing expiration.
XI. RSA 310-A:109, relative to foresters licensing license renewal.
XII. RSA 310-A:110, relative to foresters licensing failure to renew.
XIII. RSA 310-A:111, relative to foresters licensing reciprocity.
XIV. RSA 310-A:112, relative to foresters licensing disciplinary action.
XV. RSA 310-A:113, relative to foresters licensing hearings.
XVI. RSA 310-A:113-a, relative to foresters licensing additional powers and subpoenas.
XVII. RSA 310-A:115, relative to foresters licensing restraint of violations.
XIX. RSA 310-A:116, relative to foresters licensing administrative costs.
XX. RSA 310-A:117, relative to foresters licensing real estate broker or appraiser credentials not necessary.

368 Embalmers and Funeral Directors; Embalmers; Qualifications. Amend RSA 325:13, VII as follows:

VII. Obtain the appropriate license [from the board].

369 Embalmers and Funeral Directors; Funeral Directors; Qualifications. Amend RSA 325:14, III as follows:

III. Obtains the appropriate license [from the board].

370 Embalmers and Funeral Directors; Inspection. Amend RSA 325:17 as follows:

325:17 Inspection. The [board] office of professional licensure and certification may inspect all places where funeral directing is conducted or where embalming is practiced in accordance with standards established by the board pursuant to rule. No such place shall be inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of repeated complaints exists.

371 Embalmers and Funeral Directors; Examinations. RSA 325:18 is repealed and reenacted to read as follows:

325:18 Examinations. The board shall require applicants who desire to engage in funeral directing or embalming to complete an examination, subject to RSA 325:19.

372 Embalmers and Funeral Directors; Licensure. Amend RSA 325:20 as follows:

325:20 Licensure. The [board] office of professional licensure and certification shall issue to each applicant successfully passing the examination, where an examination is required, and who otherwise satisfies the [board of her or his qualifications] board’s requirements, a license, entitling her or him to practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may be.
373 Embalmers and Funeral Directors; Investigatory Powers of the Board; Complaints. Amend RSA 325:32, I as follows:

I. The board may investigate possible misconduct by licensees, and applicants, and any other matters within the scope of this chapter. Investigations may be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and information obtained by the board pursuant to such investigations[,] including complaints received under RSA 325:32, I(b),] shall be privileged, confidential, and exempt from the public disclosure provisions of RSA 91-A, unless such information is subsequently included in the record in a public disciplinary hearing. The board may disclose information obtained in its investigations to law enforcement or health licensing agencies in this state or any other jurisdiction or in accordance with specific statutory requirements or court orders.

374 Cremation of Human Remains; Crematory; License Required. Amend 325-A:2 as follows:

325-A:2 Crematory; License Required. A crematory shall not be established, operated, or maintained in this state except by a crematory authority licensed by the office of professional licensure and certification in accordance with rules adopted by the board under this chapter. The [board] office shall issue a license to a crematory authority that satisfies the requirements for licensure under the chapter. Human remains shall not be cremated in this state except at a crematory operated by a crematory authority licensed under this chapter.

375 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 as follows:

325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a crematory authority shall file a written application with the [board] office. The application shall be accompanied by the license fee [required under RSA 325-A:7] and a certificate confirming that the crematory operator has attended, prior to issuance of the license, a training course provided by the Cremation Association of North America or by the manufacturer of the cremation chamber maintained and operated by the crematory authority and shall set forth the full name and address of the applicant, the address and location of the crematory, the name of the crematory operator, the name and address of the owner of the crematory, and additional information as required by the board, including affirmative evidence of the applicant’s ability to comply with rules adopted under this chapter. The application shall include the applicant’s social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

376 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6 as follows:

325-A:6 Change in Location, Ownership, or Name.

I. A crematory authority desiring to relocate a crematory shall file a written application [with the board] at least 30 days prior to the designated date of such relocation. The application
shall be accompanied by a required fee [as determined by the board in rules adopted under RSA 541-A].

II. A crematory authority desiring to change ownership of a crematory shall file a written application [with the board] at least 30 days prior to the designated date of such change. The application shall be accompanied by required fee [as determined by the board in rules adopted under RSA 541-A].

III. A crematory authority desiring to change its name shall file a written application [with the board] at least 30 days prior to such change. The application shall be accompanied by a required fee [as determined by the board in rules adopted under RSA 541-A].

377 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments.

RSA 325-A:8 is repealed and reenacted to read as follows:

325-A:8 Inspection; Board; Duties; Authority for Appointments.

I. The office of professional licensure and certification shall at least once every 3 years inspect or provide for the inspection of any crematory operated by a crematory authority licensed under this chapter in accordance with standards adopted by the board in rule pursuant to RSA 541-A.

II. The office of professional licensure and certification shall issue an inspection report and provide a copy of the report to the crematory authority within 10 working days after the completion of an inspection. The board shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

III. If the board determines, after such review, that the evidence supports a finding of noncompliance by a crematory authority with any applicable provisions of this chapter or rules adopted under this chapter, the board may send a letter to the crematory authority requesting a statement of compliance. The letter shall include a description of each alleged violation, a request that the crematory authority submit a statement of compliance within 10 working days, and a notice that the board may take further action if the statement of compliance is not submitted. The statement of compliance shall indicate any actions by the crematory authority which have been or will be taken and the period of time estimated to be necessary to correct each alleged violation. If the crematory authority fails to submit such statement of compliance or fails to make a good faith effort to correct the alleged violations, the board may take further action as provided in this chapter.

378 Repeals; Embalmers and Funeral Directors. The following are repealed:

I. RSA 325:9, VII, relative to administration of the chapter.

II. RSA 325:9, VIII, relative to procedures for hearings.

III. RSA 325:12-a, relative to fees.

IV. RSA 325:22-a, relative to interstate agreements.

V. RSA 325:22, relative to non-residents.

VI. RSA 325:23, relative to license expirations.
VII. RSA 325:24, relative to notices of expiration.
VIII. RSA 325:25, relative to renewal of licenses.
IX. RSA 325:32, relative to disciplinary action.
X. RSA 325:32-a, relative to reciprocal discipline.
XI. RSA 325:32-b, relative to temporary suspension.
XII. RSA 325:33-a, relative to summons, oaths, and witnesses.
XIII. RSA 325:34, relative to hearings.
XIV. RSA 325:34-a, relative to license suspension.
XV. RSA 325:35, relative to immunity from civil action.
XVI. RSA 325:36, relative to reinstatement application.

379 Repeals; Cremation. The following are repealed:
I. RSA 325-A:5, relative to license expirations.
II. RSA 325-A:7, relative to licensure and fees.
III. RSA 325-A:8, IV, relative to inspections.
IV. RSA 325-A:9, relative to complaints.
V. RSA 325-A:10, relative to imminent danger.
VI. RSA 325-A:11, relative to denial of a license.
VII. RSA 325-A:12, relative to disciplinary action.
VIII. RSA 325-A:13, relative to appeal.
IX. RSA 325-A:14, relative to license reinstatement.
X. RSA 325-A:16, relative to injunctions.
XI. RSA 325-A:28, II, relative to fees.
XII. RSA 325-A:28, VI, relative to inspection procedures.

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

326-K:4 Provisional License.

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

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

       (a) Issuance of a full license;
       (b) Thirty days after the applicant fails to pass the certification examination; or
       (c) Two years from the issuance of a provisional license.

   III. A provisional license may only be extended upon approval of the [board] office for good
       cause shown.
IV. A provisional licensed genetic counselor shall work under the general supervision of a licensed genetic counselor or a licensed physician at all times during which the provisional licensed genetic counselor performs genetic counseling. An application for extension of the provisional license shall be signed by the supervising licensed genetic counselor or supervising licensed physician.

V. The [board] office is authorized to issue conditional provisional licenses in accordance with governing board rules adopted pursuant to RSA 541-A.

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

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

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

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

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

384 Guardian Ad Litem Board; Board Established. Amend RSA 490-C:1 to read as follows:

490-C:1 Board Established. There is hereby established [a] an advisory guardian ad litem board which shall be responsible for overseeing the credentialing and activities, and discipline of guardians ad litem in New Hampshire who are or have been certified by the board, advising the executive director of the office of professional licensing and certification concerning the implementation of this chapter. To reduce workforce barriers and provide state supervision, the responsibility for implementation this chapter shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023. The executive director shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

385 Guardian Ad Litem Board; Membership. Amend RSA 490-C:2 to read as follows:

490-C:2 Membership.

I. The advisory board shall consist of the following members:

(a) One member representing the New Hampshire supreme court, appointed by the chief justice of the New Hampshire supreme court.

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

(c) One member of the house, appointed by the speaker of the house.

(d) The executive director of the New Hampshire judicial council.
One member of Court Appointed Special Advocates (CASA), nominated by the director of CASA and appointed by the governor executive director.

One member representing the division of children, youth, and families, or Casey family services, or another child protection agency in the state, appointed by the governor.

One member representing the interests of guardians ad litem, appointed by the governor executive director.

Two members of the general public representing the interests of those individuals receiving the services of guardians ad litem, appointed by the governor.

II. The members of the board shall serve without compensation.

III. All members of the board shall be New Hampshire residents. Each appointment shall be valid for 3 years and until a successor is appointed; provided, however, that the term of the member representing CASA shall expire if he or she ceases to be a member of CASA. Members shall serve no more than two terms. Any member who is absent from at least 3 consecutive meetings of the advisory board may be replaced by such member's appointing authority.

386 Guardian Ad Litem Board; Duties of the Board. RSA 490-C:4 is repealed and reenacted to read as follows:

I. The advisory board shall advise the executive director regarding the following:

   (a) Recommended legislative changes and changes to the current cost and fee structure established under New Hampshire supreme court rules 48 and 48-A,

   (b) Eligibility requirements for the certification, recertification, reinstatement, and renewal of certification of guardians ad litem, including requirements for temporary or conditional certification.

   (c) Educational requirements for licensure, including continuing educational requirements.

   (d) Ethical standards and standards of practice for certified guardians ad litem.

II. The office may, with advise of the advisory board:

   (a) Commission the participation of appropriate in-state educational institutions to provide training for guardians ad litem on a tuition basis and itself provide training on a tuition basis.

   (b) Disclose to and communicate with any courts that appoint guardians ad litem or oversee individuals serving as guardians ad litem, or any other entity or group which possesses oversight authority over any type of professional activity of persons who may serve as a guardian ad litem, about any discipline imposed upon guardians ad litem, grants and denials of certification, the content of any of the board's files or records on guardians ad litem, whether or not presently certified, or applicants for certification, and other activities of, or information held by, the board. In
assessing whether or not to make a disclosure or engage in a communication under this
subparagraph, consideration shall be given to whether or not it is likely that information conveyed
will be further disseminated in a manner contrary to New Hampshire law.

387 Guardian Ad Litem Board; Rulemaking Authority. Amend RSA 490-C:5 to read as follows:

I. The executive director, with advice of the advisory board, shall adopt rules, pursuant
to RSA 541-A, relative to the following:

(a) The application criteria for certification, renewal of certification, recertification, and
reinstatement of certification.

(b) Eligibility requirements and criteria for certification, recertification, reinstatement, and renewal of certification.

(c) Training requirements.

(d) Educational and continuing educational requirements.

(e) The ethical standards and standards of practice for guardians ad litem certified in
New Hampshire.

(f) Procedures for conducting investigations and hearings conducted by the board under
this chapter.

(g) Procedures for processing complaints and addressing disciplinary issues handled by
the board under this chapter.

(h) Disciplinary procedures, penalties, and sanctions for certified guardians ad litem, which penalties, sanctions, and procedures may include revocation of certification, suspension of certification, the imposition of supplemental training requirements or supervised training requirements, supplemental education, fines, written reprimand, and treatment and counseling, including but not limited to treatment or counseling for alcohol or substance abuse. Disciplinary procedures, penalties, and sanctions may be established for and applied to formerly certified guardians ad litem who engaged in acts or omissions prohibited when certified.

II. The executive director, with advice of the advisory board, may adopt rules, pursuant
to RSA 541-A, relative to the following:

(a) The application or certification requirements and criteria for temporary or
conditional certification or both, including but not limited to procedures and requirements regarding
the circumstances and manner in which individuals may be temporarily or conditionally certified or
both, the term and duration of conditional or temporary certification or both, and the ethical
standards and standards of practice applicable to persons so certified.

(b) Procedures for the reporting of activities conducted by guardians ad litem appointed
in New Hampshire.
(e) The administration of oaths or affirmations, the preservation of testimony, and the issue of subpoenas for witnesses and for documents, on the approval of the attorney general, relative to investigations, adjudicatory hearings, or other proceedings held by the board.

(d) Procedures for informal resolution or referral of complaints.

(e) Procedures and requirements relating to the resignation or surrender of certification, including but not limited to the circumstances or conditions under which a certified guardian ad litem may resign or surrender his or her certification.

(f) Disciplinary procedures, penalties, and sanctions for conditionally or temporarily certified guardians ad litem or both and persons formerly certified by the board, which penalties, sanctions, and procedures may include, but need not be limited to, those listed in RSA 490-C:4, I(f).

(g) Procedures and requirements relative to maintenance or disclosure of confidential information received by, or used in investigations or in hearings, proceedings, or other activities or matters before the board.

388 Guardian Ad Litem Board; Certification. Amend RSA 490-C:5-a to read as follows:

490-C:5-a Certification.

I. To be eligible for initial certification, recertification, reinstatement, or renewal of certification, as a guardian ad litem under this chapter, an applicant shall be of good character and shall meet such criteria or requirements as may be established by the executive director with advice of the advisory board.

II. Certification issued by the board shall be valid for 3 years from the date of issuance, and shall expire 3 years from the date of issuance, unless renewed or reissued pursuant to rules adopted by, and upon payment of fees established in, the rules of the board.

III. If timely and sufficient application has been made in accordance with board rules for renewal of certification, the existing certification shall not expire until the board has taken final action on the application for renewal.

IV. Conditional or temporary certification as a guardian ad litem under this chapter shall be according to such criteria, terms, requirements, and procedures, and for such duration, as may be established by the executive director with the advice of the advisory board.

389 Guardian Ad Litem Board; Confidentiality and Disclosure of Information. Amend RSA 490-C:5-b to read as follows:

490-C:5-b Confidentiality and Disclosure of Information.

I. (a) Unless waived by the person to whom the information pertains, the following information, if any, relative to certified guardians ad litem, applicants for certification, and formerly certified guardians ad litem which may be submitted to the [board] executive director on or in conjunction with application, supplemental application, application renewal, recertification, and reinstatement forms shall be confidential and exempt from the disclosure requirements of RSA 91-A, unless disclosure is required pursuant to an order of the court:
(1) The person's date of birth, social security number, residence address, unless that address is also the person's business address, and home telephone number, unless that number is also the person's business phone number.

(2) The person's reason for leaving any past employment or the facts giving rise to any reprimand, censure, license revocation or suspension, disbandment, disqualification, or discipline given by any professional organization or entity supervising or overseeing a profession, other than the board.

(3) Whether or not the person has been a defendant in any criminal proceeding, information concerning such proceedings, any executed criminal records release, and the results of any criminal records check.

(4) The addresses and telephone numbers of the individuals who have submitted letters of reference in support of any application for certification as a guardian ad litem.

(5) Any photograph identification card or other document issued by a governmental agency submitted in support of an application that includes an applicant's date of birth, social security number, residence address, or home telephone number.

(6) Any information submitted on or in conjunction with the forms noted above that is otherwise deemed confidential under RSA 91-A or other applicable law.

(b) The provisions of subparagraph (a) shall not prohibit disclosure of such information in the circumstances described in paragraph II and shall not apply to such material disclosed, without prohibition, limitation, or other instruction, at a hearing, proceeding, or other matter before the [board] office, or a portion thereof, that is open to the public.

(c) The following information shall also be held confidential and shall be specifically exempt from the disclosure requirements of RSA 91-A, unless required to be disclosed by court order or disclosed, without limitation, at a hearing, proceeding, or other matter, or a portion thereof, that is open to the public:

(1) Allegations of misconduct or executed complaint forms received by the [board] office, or drafts or portions thereof, and supporting materials submitted therewith.

(2) Information and records acquired by the [board] office or its representatives during its investigation of any complaint, including any answer submitted by a guardian ad litem in response to a complaint, or drafts or portions thereof, and supporting materials submitted therewith.

(3) Reports and records made by the office, the advisory board, or its agents, representatives, or employees as a result of its investigation.

(4) Case or client records, including written or oral guardian ad litem reports, files, and oral and written information from which the identity of recipients of services or other persons whose identities are protected from disclosure can be derived.

(d) The provisions of subparagraph (c) shall not prohibit disclosure of information in the circumstances described in paragraph II.
II. Notwithstanding paragraph I, and notwithstanding the provisions of any other law relative to confidentiality, including but not limited to confidentiality provisions applicable to any case out of which an allegation or complaint against a guardian ad litem may arise:

(a) Persons involved in matters before the [board] office, or persons seeking to address or respond to issues involving a guardian ad litem's misconduct or certification, may, without a specific court order allowing such disclosure, disclose to the [board] executive director, its representatives, or its agents, records, documents, or information in their possession, whether oral or in writing, relating to a guardian ad litem, an applicant for certification as a guardian ad litem, or cases in which a guardian ad litem is or has been involved, unless such disclosure is prohibited by court order.

(b) If the [board] executive director concludes that to do so would advance the effective and fair resolution of the matter, the executive director, the advisory board, its representatives, or its agents may, without a specific court order allowing such disclosure, disclose to persons involved in matters before the [board] executive director, or to persons seeking to address or respond to issues involving a guardian ad litem's misconduct or certification, any records, documents, or information in their possession, whether oral or in writing, that have a bearing upon the matter, unless such disclosure is prohibited by court order.

(c) Persons involved in matters before the [board] executive director, or persons seeking to address or respond to issues involving a guardian ad litem's misconduct or certification, may, without a specific court order allowing such disclosure, disclose to other persons involved in the matter documents or information in their possession, whether oral or in writing, to the extent, and only to the extent, that such disclosure is necessary in order to comply with the procedures of the [board] office, unless such disclosure is prohibited by a court order.

(d) The executive director, the advisory board, its representatives, or its agents may, without a specific court order, disclose to any court that appoints or oversees guardians ad litem, or any other entity or group which possesses oversight authority over any type of professional activity of persons who may serve as a guardian ad litem, any records, documents, or information in the possession of the office or advisory board, whether oral or in writing, including but not limited to that information described in RSA 490-C:4, II(b), unless such disclosure is prohibited by court order. In assessing whether or not to make a disclosure or engage in a communication under this subparagraph, consideration shall be given to whether or not it is likely that information conveyed will be further disseminated in a manner contrary to New Hampshire law.

III. In the case of disclosures made in accordance with paragraph II, any statutory provisions prescribing penalties for the disclosure of confidential information, including but not limited to laws relative to the penalties for the disclosure of information in cases or proceedings in which a guardian ad litem may be involved, shall not apply to the disclosure to the extent that:
(a) It is made to the executive director, the advisory board, or its representatives or agents under subparagraph II(a), or to other persons in accordance with subparagraph II(c), in good faith; or

(b) It is made by the executive director, the advisory board, a member of the advisory board, or the board's office's representatives or agents, in the good faith performance of official duties believed authorized under this chapter.

IV. Hearings and other proceedings held by the board executive director shall be open to the public unless closed, in whole or in part, by the board executive director. The board executive director shall close a hearing, proceeding, or matter, in whole or in part, if it concludes, in its discretion, that to open the hearing, proceeding, or matter, or a certain portion thereof, would be likely to:

(a) Result in the board executive director publicly hearing, or in the public dissemination of, information that arose in a court proceeding that was not open to the public;

(b) Result in the public dissemination of information in a manner prohibited by court order;

(c) Be contrary to the best interests of a recipient of guardian ad litem services;

(d) Cause unreasonable harm to one or more persons involved in any court proceeding or any proceeding or other matter before the board executive director, including but not limited to the guardian ad litem; or

(e) Be detrimental to the effective resolution of a matter pending before the board executive director.

V. In applying the provisions of paragraph IV, the board executive director shall, to the extent practicable under the circumstances, seek to open or close hearings, proceedings, or other matters in a manner that is consistent with any confidentiality laws, court rules, or known orders pertaining to the case out of which a complaint against a presently or formerly certified guardian ad litem or other matter, arose.

VI.(a) As an alternative to, or in conjunction with, the complete closure of a hearing, proceeding, or other matter, or of a part thereof, the board executive director may, in its discretion, make such limitations, prohibitions, or instructions relative to the hearing, proceeding, or matter as it concludes are necessary to avoid:

(1) The likely public dissemination of information that arose in a court proceeding that was not open to the public;

(2) The likely public dissemination of information in a manner prohibited by court order;

(3) Probable detriment to the best interests of a recipient of services;
(4) Unreasonable harm to one or more persons involved in any court proceeding or any proceeding or other matter before the [board] executive director, including but not limited to the guardian ad litem; or

(5) Probable detriment to the effective resolution of a matter pending before the [board] executive director.

(b) Limitations, prohibitions, or instructions under subparagraph (a) may include, but need not be limited to, limitations or prohibitions on, or other instructions regarding, any one or more of the following:

(1) The attendance or participation of a person, or of persons, at a hearing, proceeding, or matter before the [board] executive director;

(2) The audiotaping, videotaping, or other recording of a hearing, proceeding, or matter by a person or persons present;

(3) The photographing of a hearing, proceeding, or matter before the [board] executive director; or

(4) The taking of notes at a hearing, proceeding, or matter before the [board] executive director.

(c) In hearings, proceedings, and other circumstances in which the [board] executive director has assigned a presiding officer, the presiding officer shall have the authority to issue limitations, prohibitions, or instructions under subparagraphs (a) and (b), provided that:

(1) Such limitations, prohibitions, or instructions may, at the request of an interested person or on the [board’s] executive director’s own action, be reviewed by and affirmed, modified, or reversed by the [board] executive director;

(2) Such limitations, prohibitions, or instructions shall not include the closure of a hearing, proceeding, or matter, or a part thereof, the authority for which shall, in the first instance, be with the [board] executive director according to the standards set forth in paragraphs IV and V; and

(3) Such limitations, prohibitions, or instructions shall not include the authority to make limitations or prohibitions on the disclosure or use of material in circumstances outside of a hearing or proceeding, the authority for which shall, in the first instance, be with the [board] executive director according to the standards set forth in paragraph VII.

VII.(a) The [board] executive director may limit or prohibit the disclosure or use outside of a hearing, proceeding, or other matter before the [board] executive director, or in other circumstances, of some or all of the evidence, testimony, documents, or other materials relating to the hearing, proceeding, or matter, or parts thereof, including but not limited to guardian ad litem reports, medical records, and school records.

(b) Limitations and prohibitions issued under subparagraph (a) shall be made in accordance with the considerations set forth in paragraphs IV and V and shall be applicable to such
persons involved in the hearing, proceeding, or other matter as the [board] executive director may designate.

(c) The [board] executive director may issue limitations or prohibitions under subparagraph (a) regardless of whether a hearing, proceeding, or other matter is open or closed, in whole or in part, and regardless of whether any limitations, prohibitions, or instructions have been issued under paragraph VI.

VIII.(a) In addition to any other procedures, including those under paragraph VI, which the [board] executive director may apply at a hearing, proceeding, or other matter before the [board] executive director, the [board] executive director may also limit access to, or place limitations on, a person's use in a hearing, proceeding, or matter, of particular documents or materials if:

(1) The [board] executive director concludes that such limitation is necessary to prevent the potential disclosure of confidential material beyond those disclosures that are allowed by law, by court order, or by the [board's] executive director's limitations, prohibitions, or instructions under this chapter; and

(2) Such limitation will not result in a violation of due process of law.

(b) In hearings and proceedings in which the [board] executive director has assigned a presiding officer, the presiding officer shall have the authority to limit access, or place limitations on, a persons' use in a hearing or proceeding of particular documents or materials according to the standards set forth in subparagraph (a), provided that such limitations may, at the request of an interested person or on the [board's] executive director's own action, be reviewed by and affirmed, modified, or reversed by the [board] executive director.

IX. It shall be unlawful:

(a) For any person present during, or otherwise involved in, a disciplinary hearing or any other hearing, proceeding, or matter before the [board] executive director, which is closed to the public, either in whole or in part, to disclose any information concerning the hearing, proceeding, or matter, or the closed portions thereof, if that information may not, pursuant to this chapter or other law, or pursuant to a court order, be disclosed, or if that information:

(1) May serve to identify a parent or child in an abuse or neglect hearing, unless an order of the court allows such disclosure or the disclosure is allowed under paragraph II, other provisions of this chapter, or other law; or

(2) Is subject to an order of the [board] executive director closing a hearing, proceeding, or matter for the reasons set forth in subparagraphs IV(c) through (e), unless prior permission to make such disclosure has been obtained from the [board] executive director or the disclosure is allowed under paragraph II, other provisions of this chapter, or other law.

(b) For any person who has reviewed evidence, documents, or other materials under consideration by or in the possession of the [board] executive director, which are not subject to public disclosure, or parts of such items which are not subject to public disclosure, including but not
limited to guardian ad litem reports, medical records, and school records, to disclose any information
concerning the nonpublic portions of such documents, if that information may not, pursuant to this
chapter or other law, or pursuant to a court order, be disclosed, or if that material:
  (1) May serve to identify a parent or child in an abuse or neglect hearing, unless an
order of the court allows such disclosure, or the disclosure is allowed under paragraph II, other
provisions of this chapter, or other law; or
  (2) Is subject to an order of the [board] executive director closing a hearing or
procedure for the reasons set forth in subparagraphs IV(c) through (e), unless prior permission to
make such disclosure has been obtained from the [board] executive director or the disclosure is
allowed under paragraph II, other provisions of this chapter, or other law.
  (c) For any person subject to a limitation or prohibition under paragraph VII to make a
disclosure which is contrary to that limitation or prohibition, unless prior permission to make such
disclosure has been obtained from the [board] executive director.

X. A person who violates paragraph IX shall be guilty of a misdemeanor.

390 Guardian Ad Litem Board; Court Appointed Special Advocates. Amend RSA 490-C:6 to
read as follows:

490-C:6 Court Appointed Special Advocates. Court Appointed Special Advocates (CASA) of New
Hampshire shall be accountable to the guardian ad litem board for complying with the training
requirements established by the advisory board under RSA 490-C:5, I(d) and for the actions of its
volunteer members who are appointed by the court as guardians ad litem.

391 Repeals; Guardian ad Litem Board. The following are repealed:

I. RSA 490-C:3, relative to terms of appointment; organization; meetings.
II. RSA 490-C:4, relative to duties of the board.
III. RSA 490-C:5-c, relative to immunity from civil and criminal actions.
IV. RSA 490-C:7, relative to administrative functions.
V. RSA 490-C:8, relative to appeals.
392 Repeal. RSA 320, relative to hawkers and peddlers, is repealed.
393 Board of Home Inspectors. Amend RSA 310-A:186, I to read as follows:

I. A board of home inspectors is established to administer the provisions of this subdivision.
The board shall consist of [7] 5 persons as follows:

(a) [Five] 4 members shall be home inspectors, appointed by the governor and council.
Each home inspector member shall hold a current and valid New Hampshire home inspector license
and shall have actively practiced home inspections for a minimum of 5 years as a means of his or her
livelihood prior to appointment.

(b) [Two] One shall be a public [members] member, [each] to be appointed by the
governor and council. [Each] The public member of the board shall be a person who is not, and
never was, a home inspector or the spouse of any such person, and who does not have, and never has
had, a material financial interest in either the provision of home inspector services or an activity
directly related to the home inspection trade. In addition, the public members shall not have held a
real estate broker or salesperson license or represented the board or the trade for a fee at any time
during the 5 years preceding appointment.

394 Home Inspectors; Rulemaking. Amend RSA 310-A:187, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:
(a) The qualifications of applicants in addition to requirements of this subdivision, and
including the qualifications for satisfactory evidence of good professional character.
(b) The criteria for a license to be renewed or reinstated, including any requirements for
continuing education.
(c) Disciplinary actions by the board that shall be implemented for violations of the
standards of practice, code of ethics, and rules adopted by the board.
(d) [Procedures for the conduct of hearings consistent with the requirements of due
process.
(ω) Procedures for approving education courses for eligibility for licensure and for a
continuing education program.
(φ) (e) How an applicant shall be examined, including the form of the examination.
(φφ) (f) The design of an official seal.
(φφ) (g) The establishment of administrative fines which may be levied in the
administration of this subdivision.

395 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

310-A:193 Issuance of Licenses. The [board] office shall issue a license upon payment of the
license fee [established by the office of professional licensure and certification], to any applicant who,
in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses
shall show the full name of the licensee and have a serial number. The issuance of a license [by the
board] shall be prima facie evidence that the person named in the license is entitled to all the rights
and privileges of a licensed home inspector while the license remains valid. It shall be a class B
misdemeanor for the licensee to perform home inspections after the license of the licensee has
expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

396 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

310-A:195 Expiration and Renewals.

I. [The board shall send, by mail or otherwise, notification of the impending license
expiration to each licensee at least one month prior to the expiration of the license, along with a
request for payment of a renewal fee.] Licensees in good standing may renew their licenses by
paying the renewal fee prior to the expiration date of the license, and by presenting evidence
[satisfactory to the board] of completion of the continuing education requirements. If properly
renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. [All licensee issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board.] A licensed home inspector shall complete at least 20 hours of board-approved continuing education during each license period in order to maintain his or her license. [If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.

III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.]

397 Repeals; Home Inspectors. The following are repealed:

I. RSA 310-A:186, VI-VII, relative to the board of home inspectors.
II. RSA 310-A:188, relative to fees.
III. RSA 310-A:194, relative to reciprocity.
IV. RSA 310-A:196, relative to disciplinary hearings.
V. RSA 310-A:197, relative to hearings.
VI. RSA 310-A:198, relative to reissuance of licenses.
VII. RSA 310-A:200, relative to restraint of violations.

398 Manufactured Housing Installation Standards; Duties of the Advisory Board. Amend the introductory paragraph of RSA 205-D:3 to read as follows:

205-D:3 Duties of the Advisory Board. The duties of the executive director, in consultation with the advisory board, shall be to:

399 Manufactured Housing Installation Standards. Amend RSA 205-D:4, III to read as follows:

III. Installers shall have the option of installing manufactured housing in accordance with one of the following standards:

(a) New Hampshire installation standards as developed by the executive director, in consultation with the advisory board.

(b) A design prepared by a registered professional engineer or architect for the site.

(c) The manufacturer's installation instructions, provided that such instructions meet or exceed the New Hampshire installation standards as developed by the executive director, in consultation with the advisory board.
400  Manufactured Housing Installation Standards; Inspectors. Amend RSA 205-D:5 to read as follows:

205-D:5 Inspectors.

I. The local enforcement agency, or if there is no local enforcement agency, the [board or the board’s] executive director or the executive director’s designee, shall:

(a) Conduct appropriate inspections to ensure compliance throughout the state with installation practices consistent with the provisions of this chapter and rules promulgated hereunder.

(b) Enter any premises on which an installation is being or has been completed subject to regulation under this chapter for the purpose of making such inspection as is necessary to carry out his or her duties under this chapter. Inspections shall be done prior to occupancy of the manufactured house.

(c) Order the correction of any violation of this chapter, or rule adopted under this chapter.

(d) Order any installer to discontinue installation until the violations are corrected.

(e) Approve the continuation of work on the installation upon being satisfied that violations have been corrected.

(f) Issue a certificate of compliance upon satisfaction that a manufactured house has been installed in compliance with this chapter and the rules promulgated under this chapter.

II. Whenever a local enforcement agency, or if there is no local enforcement agency, the [board or the board’s] executive director or the executive director’s designee orders the correction of a violation under subparagraph I(c), he or she shall immediately notify the [board] office.

III. A certificate of compliance shall be required for occupancy.

IV. Any installer aggrieved under the provisions of this section may file a complaint in accordance with RSA 205-D:6.

401  Manufactured Housing Installation Standards; License Required. Amend RSA 205-D:7 to read as follows:

205-D:7 License Required. No person shall install any manufactured house subject to the provisions of this chapter without first obtaining a license from the [board] executive director of the office of professional licensure and certification as required by this chapter.

402  Manufactured Housing Installation Standards; Qualifications for License. Amend RSA 205-D:8 to read as follows:

205-D:8 Qualifications for License. The [board] executive director shall issue a license to any applicant who at a minimum:

I. Has attained the age of 18;
II. Has 2 years experience as a manufactured housing installer or [proves to the board's satisfaction] equivalent installation experience as determined by rules adopted by the executive
director pursuant to RSA 541-A;

III. Has successfully completed 6 hours of training on installation standards; and

IV. Complies with the requirements of RSA 205-D:10.

403 Manufactured Housing Installation Standards; Bond Required. Amend RSA 205-D:9, I to
read as follows:

I. The [board] executive director shall not issue a license to any person unless the person
or his or her employer on his or her behalf has posted a surety bond or letter of credit to be held by
the state treasurer in an amount to be determined by the [board] executive director. No surety
bond or letter of credit shall be accepted unless it is with a surety company authorized to do business
in this state. The surety may cancel the bond or letter of credit at any time upon giving 30 days' written notice to the board.

404 Manufactured Housing Installation Standards; Application for License. Amend RSA 205-
D:10 to read as follows:

205-D:10 Application for License.

I. Applications for licenses shall be made on forms adopted by the [board] executive
director.

II. Applications for licensure shall be accompanied by proof of the surety bond required by
this chapter, and payment of the license fee.

III. The [board] executive director may require each applicant to provide additional
information about the applicant’s background and trustworthiness as is reasonably necessary.

405 Manufactured Housing Installation Standards; Expiration and Renewal. Amend RSA 205-
D:11 to read as follows:

205-D:11 Expiration and Renewal.

I. All licenses issued by the board shall expire on the last day of the month of the licensee's
birth in the third year following the year of issuance, but may be renewed during the following
month, retroactive to the first day of the month. Upon failure to pay the renewal fee within the
required period, a licensee may renew his or her license by submitting the required fee plus $10
before the last day of the second month following the month of his or her birth.

II. Persons licensed as installers are eligible for renewal of their licenses if they:

[α] I. Are not in violation of this chapter;

[β] II. Meet any requirements for continuing education established by the board in
rules adopted pursuant to RSA 541-A; and

[γ] III. Submit evidence that a surety bond required under RSA 205-D:9 is in force.

406 Manufactured Housing Installation Standards; Warranty Seal. Amend RSA 205-D:17 to
read as follows:
205-D:17 Warranty Seal. In order to keep record of and verify the proper installation of manufactured homes, no manufactured house may be installed in this state until the manufacturer or an installer licensed by the [board] executive director has obtained a warranty seal from the [board] executive director and attached the seal to the manufactured house.

407 Manufactured Housing Installation Standards; Rulemaking Authority. RSA 205-D:20 is repealed and reenacted to read as follows:

205-D:20 Rulemaking Authority. The executive director, with advice of the advisory board, shall be authorized, pursuant to RSA 541-A, to adopt rules relative to:

I. The establishment of uniform manufactured housing installation standards.
II. The qualifications of license applicants set under this chapter.
III. How an applicant shall be trained, including the minimum education requirements and training standards.
IV. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.
V. The establishment of bond and letter of credit requirements under RSA 205-D:9.

408 Repeals; Manufactured Housing Installation Standards. The following are repealed:

I. RSA 205-D:3-a, relative to administrative and business processing functions.
II. RSA 205-D:6, relative to complaints.
III. RSA 205-D:12, relative to fees.
IV. RSA 205-D:13, relative to disciplinary action.
V. RSA 205-D:14, relative to hearings.
VI. RSA 205-D:15, relative to penalty.
VII. RSA 205-D:16, relative to consumer protection act.
VIII. RSA 205-D:19, relative to federal funds.

409 Interpreters for the Deaf, Deafblind, and Hard of Hearing. To promote efficiency and economy, eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate customer service, the responsibility for administration of the board of Interpreters for the Deaf, Deafblind, and Hard of Hearing shall be transferred to the office of professional licensure and certification effective July 1, 2023.

410 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Board of Licensing. Amend RSA 326-I:3, VI(c)-VII to read as follows:

[(c) The board shall review and take action on all applications for licensure, renewal, and reinstatement licenses for interpreters for the deaf, deafblind, and hard of hearing.]

V. [Members of the board shall receive mileage incurred while conducting the business of the board.]
[VI.] A quorum of the board shall be [5 members] a majority of those members appointed by the governor and council.

[VII.] VI. The board shall be [an administratively attached agency, under RSA 21-G:10, to the department of education] within the office of professional licensure and certification under RSA 310.

411 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Powers and Duties of the Board. RSA 326-I:4 is repealed and reenacted to read as follows:

326-I:4 Powers and Duties of the Board. The powers and duties of the board include:

I. Establishing eligibility requirements for licensure under this chapter, including education and examination requirements;

II. Establishing ethical standards for licensees;

III. Imposing discipline upon licensees deemed to have violated this chapter.

412 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Application for Licensure. Amend RSA 326-I:6 to read as follows:

326-I:6 Application for Licensure. An application for licensure under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A, shall be duly signed and verified, and shall be available for public inspection.

413 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Licensure Required; Exemptions. Amend RSA 326-I:7, II to read as follows:

II. The [board] office of professional licensure and certification shall license each applicant who satisfies the requirements of the board, including a valid credential recognized by the board. Upon payment of a license fee, the [board] office shall issue to such person a certificate of licensure which shall be evidence of the right to practice as an interpreter for the deaf, deafblind, and hard of hearing.

414 326-I:9 License Requirements; Fees. RSA 326-I:9 is repealed and reenacted to read as follows:

326-I:9 License Requirements; Fees. To be eligible for licensure by the office of professional licensure and certification as an interpreter for the deaf, deafblind, and hard of hearing, an applicant shall:

I. Be at least 18 years of age and make application to the office, upon a form prescribed by the office.

II. Pay the appropriate license application fee.

III. Possess the minimum standards of performance and training pursuant to rules adopted by the board under RSA 541-A and RSA 326-I:5.

IV. Demonstrate sufficient evidence of good professional character in accordance with rules adopted by the board.
Interpreters for the Deaf, Deafblind, and Hard of Hearing; Repeals. The following are repealed:

I. RSA 326-I:10, relative to persons from other jurisdiction.
II. RSA 326-I:12, relative to reinstatement after suspension.
III. RSA 326-I:13, relative to license renewal.
IV. RSA 326-I:14, relative to disciplinary action.
V. RSA 326-I:15, relative to hearings.
VI. RSA 326-I:17, relative to record.
VII. RSA 326-I:18, relative to penalties.

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

Landscape Architects; Repeals. The following are repealed:

I. RSA 310-A:140, relative to objective.
II. RSA 310-A:141, relative to definitions.
III. RSA 310-A:142, relative to board of landscape architects.
IV. RSA 310-A:143, relative to rulemaking authority.
V. RSA 310-A:144, relative to fees.
VI. RSA 310-A:145, relative to license required.
VII. RSA 310-A:146, relative to eligibility requirements.
VIII. RSA 310-A:147, relative to teaching credits.
IX. RSA 310-A:149, relative to applications.
X. RSA 310-A:150, relative to continuing education.
XI. RSA 310-A:151, relative to examinations.
XII. RSA 310-A:152, relative to certificates.
XIII. RSA 310-A:153, relative to interstate licensure.
XIV. RSA 310-A:154, relative to expiration and renewals.
XV. RSA 310-A:155, relative to disciplinary action.
XVI. RSA 310-A:156, relative to hearings.
XVII. RSA 310-A:157, relative to reissuance of licenses.
XVIII. RSA 310-A:158, relative to violations.
XIX. RSA 310-A:159, relative to restraint of violations.
XX. RSA 310-A:160, relative to exemptions.

Licensed Dietitians; Issuance, Expiration, and Renewal of a License. Amend RSA 326-H:14, I, to read as follows:

I. The [board] office shall license as a dietitian each applicant who proves [to the satisfaction of the board] his or her qualifications under this chapter and under rules adopted by the board under RSA 326-H:10. The [board] office shall issue to each person qualified a license, which
shall be prima facie evidence of the right of the person to whom it is issued to represent himself or herself as a licensed dietitian subject to the conditions and limitations of this chapter.

419 Licensed Dietitians; Repeals. The following are repealed:

I. RSA 326-H:10, VII, relative to procedures for investigations and hearings.
II. RSA 326-H:11, relative to immunity from civil action.
III. RSA 326-H:13, relative to reciprocity.
IV. RSA 326-H:14, II-IV, relative to licensure renewal.
V. RSA 326-H:16, relative to suspension and revocation of a license.
VI. RSA 326-H:17, relative to hearings.
VII. RSA 326-H:18, relative to reinstatement.
VIII. RSA 326-H:19, relative to offenses.

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

I. RSA 205-A:25, relative to board establishment.
II. RSA 205-A:26, relative to quorum.
III. RSA 205-A:27, relative to jurisdiction.
IV. RSA 205-A:28, relative to decisions.
V. RSA 205-A:29, relative to meetings and records.
VI. RSA 205-A:29-a, relative to administrative and business processing functions.
VII. RSA 205-A:30, relative to notification and cooperation.
VIII. RSA 205-A:31, relative to rulemaking.

421 Regulation of Massage Therapists and Massage Establishments. Amend RSA 328-B:1 to read as follows:

328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for massage therapists, including establishing basic qualifications for licensure of massage therapists and establishments providing massage therapy, reflexology, structural integration, or Asian bodywork. To promote efficiency and economy, eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate customer service, the advisory boards previously established in RSA 328-B and RSA 328-H shall be combined to provide consultation to the executive director under one advisory board, effective July 1, 2023.

422 Massage Therapists and Massage Establishments; Definitions. Amend RSA 328-B:2, II to read as follows:

II. "Advisory board" means the advisory board of massage therapists, reflexology, structural integration, and Asian bodywork therapists.

423 Massage Therapists and Massage Establishments; Powers and Duties of the Executive Director; Rulemaking. RSA 328-B:4, VII(a) is repealed and reenacted to read as follows:
(a) Eligibility requirements for massage establishment permits.

424 Therapists and Massage Establishments; Advisory Board of Massage Therapists. Amend RSA 328-B:5 to read as follows:
328-B:5 Advisory Board of Massage Therapists, Reflexology, Structural Integration, and Asian Bodywork Therapy.

The executive director shall establish the advisory board of massage therapists, reflexology, structural integration, and Asian bodywork therapy. The board shall consist of [3] 2 massage therapists, 1 reflexologist, 1 structural integrator, 1 Asian bodywork therapist, who are licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so that the term of one member expires each year, and they shall hold office until successors are appointed, and shall serve on the board without any compensation. In no event shall a member serve more than 2 full consecutive terms. The board shall:

I. Review the qualifications of applicants for licenses.

II. Review the qualifications of individuals desiring to conduct massage workshops or seminars who are not licensed in this state.

III. Review the continuing education programs for licensees.

IV. Advise the executive director regarding the implementation of this chapter and RSA 328-H.

425 Massage Therapists and Massage Establishments; License Issuance; Reciprocity. RSA 328-B:6, II is repealed and reenacted to read as follows:

II. The executive director shall issue a massage establishment permit to each qualified applicant who:

(a) Submits the required application form and fee;

(b) Is at least 18 years of age on the date of the application

(c) Has not been convicted in New Hampshire or in any other state of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime; and

(d) Is of good professional character.

426 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Definitions. Amend RSA 328-H:2, II to read as follows:

II. "Board" means the advisory board of massage therapists, reflexology, structural integration, and Asian bodywork therapy.

427 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Definitions. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new subparagraph:

(m) Eligibility requirements for licensure of establishments where the practice of reflexology, structural integration, or Asian bodywork therapy is provided.
Advisory Board of Reflexology, Structural Integration, and Asian Bodywork Therapy. RSA 328-H:6 is repealed and reenacted to read as follows:

328-H:6 Advisory Board of Reflexology, Structural Integration, and Asian Bodywork Therapy. The executive director shall establish the advisory board of massage therapists, reflexology, structural integration, and Asian bodywork therapy, as set forth in RSA 328-B:5, who shall advise on the implementation of this chapter.

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

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

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

(b) A public member of the board shall be a person who is not, and never was, a member of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of plumbing and/or fuel gas services or an activity directly related to plumbing and/or fuel gas, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

II. The board shall:

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

(b) [Implement the licensing program under this subdivision.]

(e) Review and approve educational programs and providers.

(ø) (c) Conduct hearings for disciplinary actions.

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

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

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

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

(b) [Two] One licensed fuel gas fitters, [both of whom are] actively working in the trade as fuel gas fitters[, and one of whom shall represent the propane fuel industry].
(c) One certified heating equipment installer or heating equipment service person under RSA 153:16-b.

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

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

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

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

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

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

430 State Board of Fire Control; Mechanical Licensing Board; Repeals. The following are repealed:

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

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

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

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

V. RSA 153:37, relative to penalties.

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

431 Repeal. RSA 328-J, relative to medical imaging and radiation therapists, is repealed.

432 Repeal. RSA 328-I, relative to the board of registration of medical technicians, is repealed.

433 Repeal; Podiatry. RSA 315, relative to podiatry, is repealed.

434 Physicians and Surgeons, Examining Board. Amend RSA 329:2 to read as follows:

329:2 Board; Duties.

I. Effective July 1, 2023, to promote efficiency and economy, eliminate redundancies in licensure requirements, and reduce administrative costs, the board of medicine shall be responsible for regulating the practice of podiatric medicine. There shall be a board of medicine consisting of [11] 7 members[—including 5 members]. Five members shall be selected from among physicians and surgeons, and include one member selected to represent osteopathic
physicians and surgeons[,] and one member to represent podiatrists. There shall also be one member selected to represent physician assistants regulated by the board[,] the commissioner or the medical director of the department of health and human services, or in the case of a vacancy in the office of medical director, the commissioner shall appoint a designee, and 3 public members] and one public member. Only board members provided for in this paragraph shall have the authority to vote in board determinations. Any public member of the board shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. The board shall:

(a) Evaluate persons who apply for the authority to practice medicine in New Hampshire and license to those who are found qualified under the standards of this chapter.

(b) Investigate and evaluate existing licensees through the medical review subcommittee and commence disciplinary action concerning licensees in accordance with the standards of this chapter.

(c) Investigate and prepare reports on any matter within the scope of this chapter.

(d) Assess, compromise, and collect civil penalties against persons engaged in the unauthorized practice of medicine or other violations of this chapter.

(e) [Repealed.]

III. [Repealed.]

IV. [Repealed.]

435 Physician and Surgeon; Examining Board. Amend RSA 329:4 to read as follows:

329:4 Appointment; Term; Removal.

[I. The commissioner or the medical director of the department of health and human services, or the commissioner's physician designee, shall serve as a voting member of the board. The commissioner and the medical director, or designee, are exempt from the provisions of RSA 329:4, II and the residency requirements of RSA 329:3.]

II. The [remaining 10] members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. Time served in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full terms. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.
Physicians and Surgeons; Examining Board; Rulemaking Authority. Amend RSA 329:9 is repealed and reenacted to read as follows:

329:9 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants for initial and continued licensure consistent with the provisions of this chapter, including the requirements for continuing education.

II. The substantive requirements for the reinstatement of licenses after lapses, inactive status, voluntary surrender, or disciplinary action consistent with this chapter.

III. Ethical and professional standards required to be met by each holder of a license to practice medicine.

IV. The circumstances under which restricted licenses are to be issued.

V. The licensing of physician assistants as provided in RSA 328-D:2.

VI. Substantive requirements for assessing, compromising and collecting administrative fines against licensees as authorized under RSA 329:17, VII(g) and against licensees and nonlicensees as authorized by RSA 329:2, II(d).

VII. Procedures for appropriate pain management pursuant to RSA 318-B:10, IX.

VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

IX. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

Physicians and Surgeons; Examinations and Licenses; Criminal History Record Checks. Amend RSA 329:11-a, I to read as follows:

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [board of medicine] office of professional licensure and certification a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [board] office of professional licensure and certification.

Physicians and Surgeons; Examinations and Licenses; Qualifications of Licensees. RSA 329:12 is repealed and reenacted to read as follows:

I. Applicants who have studied the treatment of human ailments in a medical school maintaining at the time of such studies a standard satisfactory to the Accreditation Council for Medical Education and have graduated from such school or have studied medicine in a medical school located outside the United States which is recognized by the United Nations World Health Organization (UNWHO) and had such studies confirmed by Educational Commission for Foreign Medical Graduates (ECFMG) Certification, shall be eligible for licensure, provided the applicant satisfies the following requirements:

(a) Submits a completed application;
(b) Submits a complete set of fingerprints and a criminal history record release form required under this chapter;

(c) Is 21 years of age or older;

(d) Is of good professional character;

(e) Has completed at least 2 years of college course work or its equivalent;

(f) Has demonstrated completion of educational requirements in section I;

(g) Has completed at least 2 years of postgraduate training approved by the Accreditation Council on Graduate Medical Education, or its equivalent as determined by the board.

Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is required to have satisfactorily completed at least 12 months in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, or the Royal College of Physicians and Surgeons of Canada;

(h) Has successfully passed one of the following sets of examinations, unless board certified by the American Board of Medical Specialties (ABMS) or American Osteopathic Association (AOA):

1. National Board of Medical/Osteopathic Examiners examinations.
2. Federation Licensing Examination (FLEX).
3. United States Medical Licensing Examination (USMLE).
4. Medical Council of Canada Examination (LMCC);

(i) Pays the requisite fee,

II. Applicants who have graduated from a college of podiatry or podiatry medicine that is accredited by the American Podiatric Medical Association, and maintaining at that time a standard satisfactory to the board, shall be eligible for licensure, provided the applicant satisfies the following requirements:

(a) Submits a completed application;

(b) Submits a complete set of fingerprints and a criminal history record release form required under this chapter;

(c) Is 21 years of age or older;

(d) Is of good professional character;

(e) Has demonstrated completion of educational requirements in section II;

(f) Has successfully passed the National Board of Podiatric Medical Examiners test, parts I, II, and III; and

(g) Pays the requisite fee.

III. Individuals licensed pursuant to paragraph II shall have legal authority to diagnose and to treat by medical, mechanical, electrical and surgical means ailments of the human foot and lower leg. Allowable surgical treatment in a health care facility shall be determined by that health care
facility credential committee, and such surgical treatment shall be performed at that health care
facility. Such certificate shall not authorize the licensee to administer general anesthesia.

439 Physicians and Surgeons; Examinations and Licenses; Professionals' Health Program.
Amend RSA 329:13-b, VII to read as follows:

VII. Rules governing the program shall be implemented through the office of professional
licensure and certification pursuant to RSA [310-A:1-d, II(b)(4)] 541-A.

440 Physicians and Surgeons; Examinations and Licenses; Training and Other Special Licenses.

RSA 329:14 is repealed and reenacted to read as follows:

329:14 Training and Other Special Licenses.

I. The office shall issue special training licenses to persons of good professional character
who are enrolled in a regular residency or graduate fellowship training program accredited by the
Council on Graduate Medical Education or Council for Podiatric Medical Education, and who possess
such further education and training as the board may require by rule. Persons holding training
licenses shall be subject to the jurisdiction of the board and such additional professional character
and competency requirements as the board may require by rule. Training licenses shall be confined
to activities performed in the course of the qualifying residency or graduate fellowship training
program, shall expire automatically upon the licensee's separation from the residency or graduate
fellowship training program for any reason, and may be issued on a restricted or conditional basis.

II. The office may issue special licenses containing conditions, limitations, or restrictions,
including licenses limited to specific periods of time in accordance with board rules adopted pursuant
to RSA 541-A.

III. The office may issue courtesy licenses authorizing the practice of medicine under limited
conditions as defined by the board by rule. Courtesy licenses shall not exceed 100 days and shall be
limited in location. All applicants shall hold an active, unrestricted license in another state and
meet the same character qualifications as other licensees.

IV. The office may issue licenses authorizing the practice of medicine or podiatry for
physicians performing administrative duties, and whose practice does not include the provision of
clinical services to patients, as defined by the board by rule.

441 Physicians and Surgeons; Renewal of Licenses; Inactive Status. Amend RSA 329:16-c as
follows:

329:16-c Inactive Status. A person licensed by the board who does not intend to engage in such
licensed profession in this state, upon written request to the [board] office, may have one's name
transferred to inactive status and shall not be required to renew such license or pay any renewal fee
as long as the person remains inactive.

442 Repeals; Physicians and Surgeons. The following are repealed:

I. RSA 329:9-g, relative to annual education program.

II. RSA 329:13-b, VI, relative to peer review committees.
III. RSA 329:16-a, relative to renewal.
IV. RSA 329:16-d, relative to notice of renewal.
V. RSA 329:16-e, relative to neglect to renew.
VI. RSA 329:16-g, relative to continuing medical education requirement.
VII. RSA 329:17, relative to disciplinary action and remedial proceedings.
VIII. RSA 329:17-b, relative to injunction.
IX. RSA 329:17-c, relative to denial or revocation of license.
X. RSA 329:18, relative to investigations.
XI. RSA 329:18-a, relative to hearings.
XII. RSA 329:18-b, relative to temporary suspension where imminent threat.
XIII. RSA 329:21, V, relative to persons excepted.
XIV. RSA 329:24, relative to unlawful practice.
XV. RSA 329:29, relative to proceedings of the medical review subcommittee.

443 Repeal; Alcohol and Other Drug Use Professionals. RSA 330-C, relative to alcohol and other drug use professionals, is repealed.

444 Repeal; Psychologists. RSA 329-B, relative to psychologists, is repealed.

445 Mental Health Practice. RSA 330-A is repealed and reenacted to read as follows:

CHAPTER 330-A
MENTAL HEALTH PRACTICE

330-A:1 Purpose; Application. To promote efficiency and economy, reduce workforce barriers, eliminate redundances in licensure requirements, and reduce administrative costs, the regulation of mental health professionals shall be performed by one regulatory body established pursuant to this chapter. The purpose of this chapter is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to obtain a certificate as a certified recovery support worker or a license as a clinical mental health counselor, a clinical social worker, a licensed alcohol and drug counselor, a licensed social worker, a marriage and family therapist, a master licensed alcohol and drug counselor, a school social worker, a school psychologist, a social work associate, a pastoral psychotherapist, or a psychologist, and to promote competency in the provision of services provided by professionals licensed under this chapter.

330-A:2 Definitions. In this chapter:
I. "Alcohol and drug use" means the use of alcohol or other drugs, or both, to the extent or frequency that it impairs or endangers one's health, social or economic function, or the health and welfare of others, and can be used interchangeably with "substance use."
II. "Board" means the board of mental health practice.
III. "Certified recovery support worker," or CRSW, means an individual certified by the board to provide recovery support to persons with substance use disorders, who meets the qualifications in this chapter.
IV. "Clergy" means any minister, priest, rabbi, Christian Science practitioner, or any other similar religious counselor.

V. "Client" or "patient" means a person who seeks or obtains mental health services, psychotherapy, or substance use counseling.

VI. "Clinical supervision" means an ongoing, regularly occurring process of examination, critique, and improvement of a counselor's skills, directed by the counselor's designated clinical supervisor, and is typically one-to-one or small group in structure, and utilizes the methods of intensive case review and discussion, and direct and indirect observation of clinical practice.

VII. "Continuing education" means research and training programs, college and university courses, in-service training programs, or seminars and conferences designed to maintain and enhance the skills of individuals certified or licensed under this chapter and which are recognized by the board.

VIII. "Continuum of care network" means public and private substance use care agencies such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient and day treatment clinics, and community residences for substance users.

IX. "Co-occurring disorders" means a diagnosis that includes both a mental illness and substance use disorder.

X. "Core functions and practice dimensions of addiction counseling" means the following 12 activities an alcohol and drug counselor performs in the role of counselor: screening, intake, orientation, assessment, treatment planning, counseling (individual, group, and significant others), case management, crisis intervention, client education, referral, reports and record keeping, and consultation with other professionals in regard to client treatment and services.

XI. "Office" means the office of professional licensure and certification.

XII. "Former client" or "former patient" means a person who was given mental health services within the previous 7 years.

XIII. "Licensed alcohol and drug counselor," or LADC, means an individual licensed under this chapter to practice substance use counseling who meets the qualifications set forth in this chapter.

XIV. "Licensed clinical supervisor," or LCS, means an individual licensed under this chapter to practice and supervise substance use counseling, who meets the qualifications set forth in this chapter.

XV. "Licensed school psychologist" means any person licensed under this chapter to practice school psychology.

XVI. "Master licensed alcohol and drug counselor," or MLADC, means an individual licensed under this chapter to practice substance use and co-occurring disorder counseling who meets the qualifications set forth in this chapter.
XVII. "Mental health disorder" or "mental illness" means any mental disorder, including a disorder of thought, mood, or behavior that causes distress and results in a reduced ability to function psychologically, socially, occupationally, or interpersonally, as set forth in the current version of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

XVIII. "Mental health discipline" means the disciplines of those licensed as a clinical mental health counselor, a clinical social worker, a licensed social worker, a marriage and family therapist, a master licensed alcohol and drug counselor, a school social worker, a school psychologist, a social work associate, a pastoral psychotherapist, or a psychologist.

XIX. "Mental health practice" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. Mental health practice may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent of such manual as determined by the board. Notwithstanding any other provision to the contrary, no person licensed or registered under this chapter shall assess the need for medications, prescribe medications, or otherwise practice medicine as defined in RSA 329.

XX. "Mental health practitioner" means persons licensed under this chapter as a clinical mental health counselor, a clinical social worker, a licensed social worker, a marriage and family therapist, a master licensed alcohol and drug counselor, a school social worker, a school psychologist, a social work associate, a pastoral psychotherapist, or a psychologist. For purposes of this chapter, the term clinical social worker shall include independent clinical social worker.

XXI. "Peer collaboration" means ongoing regularly occurring clinical consultation with, or small group meetings among, mental health practitioners, substance use counselors, or licensees of the board of nursing or the board of medicine with expertise in substance use and co-occurring disorder counseling, at which clinical issues and/or cases are discussed.

XXII. "Practice of substance use counseling" means the rendering or offering to render professional service for any documented fee or other consideration to individuals, families, or groups. Those professional services include the application of the specific knowledge, skills, counseling theory, and application of techniques to assess, diagnose, define goals, and develop a treatment plan of action aimed toward prevention, education, or treatment in the recovery process of substance use
disorders within the continuum of care network. The practice further includes, but is not limited to, networking and making referrals to medical, social services, mental health services, psychiatric, or legal resources when so indicated.

XXIII. "Privilege" is the right of a patient for privacy of his or her mental health and substance use disorder records, which belong to the patient, and which shall not be abridged except by court order or other exception under state or federal law.

XXIV. "Psychology practice by a licensed psychologist" means:
   (a) The observation, description, evaluation, interpretation, prediction, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purposes of:
      (1) Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior;
      (2) Evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness, including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group, or organizational performance; or
      (3) Assisting in legal decision-making.
   (b) Psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, physical, and emotional abilities; skills; interests; aptitudes; and neuropsychological functioning;
   (c) Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;
   (d) Diagnosis, treatment, and management of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological and behavioral aspects of medical/physical illness, accident, injury, or disability;
   (e) Psycho-educational evaluation, therapy, and remediation;
   (f) Consultation and coordination with other psychologists, physicians, other health care professionals, and patients regarding all available treatment options, including medication, with respect to provision of care for a specific client or patient or group;
   (g) Provision of direct services to individuals or groups for the purpose of enhancing individual and organizational effectiveness, or using psychological principles, methods, or procedures to assess and evaluate individuals on personal characteristics for individual development or behavior change, or for making decisions about the individual, such as selection;
   (h) Provision of any of these services or activities by any means, including electronic or telephonic; and
   (i) The supervision, ordering, referring, and prescribing of any of these services or activities.
The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

XXV. "Psychology services by a licensed psychologist" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. Psychology services may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, The International Classification of Disease Manual (ICD), or an equivalent of such manual as determined by the board. Psychological services may be rendered to individuals, families, groups, systems, or organizations.

XXVI. "Psychologist" means any person licensed as a psychologist under this chapter.

XXVII. "Psychology intern, resident, or fellow" means a person in training as a psychologist, subject to the provisions of this chapter and regulation by the board.

XXVIII. "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

XXIX. "Psychotherapist" means a clinical mental health counselor, a clinical social worker, a licensed social worker, a marriage and family therapist, a master licensed alcohol and drug counselor, a school social worker, a school psychologist, a social work associate, a pastoral psychotherapist, or a psychologist licensed under this chapter who performs or purports to perform psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA 326-B:18 as psychiatric nurse practitioners.

XXX. "School psychology practice" by a licensed school psychologist means:

(a) Practices that permeate all aspects of service delivery through:

(1) Data-based decision making and accountability; and

(2) Consultation, coordination, and collaboration;

(b) Direct and indirect services for children, families, and schools which include:

(1) Student-level services including;

(A) Conducting, interpreting, and communicating the findings of assessments of students, including but not limited to their:

(i) Intellectual ability.

(ii) Cognitive processing.
(iii) Academic achievement.
(iv) Behavior.
(v) Social and emotional functioning.
(vi) Learning environments.
(vii) Adaptive functioning.

(B) Designing, implementing, monitoring, and adapting instructional and behavioral supports and interventions;
(C) Creating, implementing, evaluating, ordering, referring, and prescribing mental health interventions and direct services to develop social/emotional and life skills;

(2) Systems-level services including:
(A) Interacting effectively in a school setting by understanding systems, roles, curriculum, instruction, and assessment to promote socialization, learning, and mental health; and
(B) Implementing and evaluating school wide practices that promote learning;

(3) Preventative and responsive services including:
(A) Applying principles of resilience and risk factors in learning and mental health;
(B) Promoting multi-tiered systems of support; and
(C) Formulating evidence-based strategies for effective crisis preparation, response, and recovery; and

(4) Foundations of professional school psychological services which include:
(A) Understanding and analyzing the diversity in human development and learning including culture, context, and individual differences;
(B) Explaining typical and atypical psychological and educational development in children and youth;
(C) Synthesizing, evaluating, and applying theories and models of research, empirical findings, and techniques related to student learning;
(D) Utilizing research design, statistics, measurement, and varied data collection and analysis techniques;
(E) Designing and implementing program evaluation to support evidence-based practices at the individual, group, and/or systems levels;
(F) Integrating the history and foundations of psychology into a professional identity and practice as a school psychologist; and
(G) Adhering to ethical, legal, and professional licensure and certification including:
(i) Ethical and professional decision making; and
(ii) Professional work characteristics and disposition that reflect personal integrity.

XXXI. "School psychology services" by a licensed school psychologist means the provision of services related only to functioning at school and transition to post-secondary goals, including: the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, school and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. School psychology services may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, The International Classification of Disease Manual (ICD), or an equivalent of such manual as determined by the board. School psychological services may be rendered to individuals, families, groups, systems, or organizations within school settings and other locations as provided in RSA 329-B:15-a, V.

XXXII. "Sexual relations" means the intentional touching of any part of the client or patient’s body or any verbal or nonverbal communication for the purpose of sexual arousal or gratification of either party.

XXXIII. "Substance use disorder" means a disorder related to the taking of a drug, including alcohol.

XXXIV. "Supervised practical training" means experiential activities monitored by one or more clinical supervisors who provide timely feedback to assist the counselor in the learning process, and which are designed to provide training of specific knowledge and skills necessary to competently perform the tasks inherent in the performance domains of substance use counseling. The supervision shall be at a location mutually convenient to both the supervisor and the candidate for licensure.

XXXV. "Work experience" means paid or voluntary experience under clinical supervision with a primary focus on utilizing alcohol and other drug use treatment or intervention theories, techniques, or methodologies.

330-A:3 Board of Mental Health Practice Established.

I. There shall be a board of mental health practice composed of the following members: one licensed psychologist or school psychologist, one master licensed alcohol and other drug use counselor, one clinical social worker, one mental health counselor, and one public member. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's
representative and no individual public member shall serve as chairperson for more than 2 years consecutively. The public member of the board shall be a person who is not, and never was a member of the mental health profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of mental health services, a health insurance company, health maintenance organization, or an activity directly related to mental health practice, including representation of the boards or profession for a fee, at any time during the 5 years preceding appointment.

II. The board members shall not serve more than 2 consecutive 3-year terms.

330-A:4 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The eligibility requirements for licensure or certification in addition to those requirements set by statute.

II. Ethical standards required to be met by each profession licensed or certified under this chapter.

III. Compliance with the mental health client bill of rights.

IV. Establishment of the scope of practice for each mental health discipline licensed or certified under this chapter.

V. Continuing education requirements for each mental health discipline licensed or certified under this chapter.

VI. Requirements to be met by licensees or certified individuals relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients.

VII. Standards for clinical supervision or peer collaboration and documentation of clinical supervision or peer collaboration.

VIII. Completion of a survey or opt out form provided by the office of rural health, office of health and human services, during the license renewal process.

330-A:5 Information on Sexual Misconduct. The board shall inform all applicants for licensure under this chapter that the board deems sexual misconduct to be unethical, unprofessional, and dishonorable conduct subject to disciplinary action by the board. The board shall make available to all licensees or certified individuals, or persons applying for licensure or certification, under this chapter information and materials, as determined by the board, pursuant to rules adopted under RSA 541-A, regarding such sexual misconduct.

330-A:6 Mental Health Client Bill of Rights. The board shall adopt rules under RSA 541-A for the provision of informed consent for client or patient rights, based on the professional codes of ethics as they apply in the variety of settings in which licensed mental health providers practice. When addressing the client or patient rights, reasonable accommodations shall be made for those
persons who cannot read or who have communication impairments and those who do not understand English.

330-A:7 Criminal History Record Check.

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

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the office of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The office shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The board shall maintain the confidentiality of all criminal history records information received pursuant to this section.

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

330-A:8 Certified Recovery Support Worker.

I. The office shall issue a certification to practice as a certified recovery support worker to applicants who:

(a) Have a high school diploma or its equivalent.

(b) Have completed training requirements established by the board.

II. The scope of practice of a certified recovery support worker includes:

(a) The provision of basic screening of persons with substance use and co-occurring mental health disorders to determine whether referral for further assessment and formal diagnosis is needed and the making of appropriate referrals.

(b) The provision of monitoring of clients' health and safety, including basic recognition of signs and symptoms of addiction, intoxication, and withdrawal, and the implementation of structured interventions to ensure the immediate safety of clients demonstrating such symptoms.

(c) The provision of recovery support, including practical support, mentoring, and education about addiction, community peer support, role of medication and co-occurring disorders in addiction.

(d) Adherence to the ethical standards of the substance use treatment profession as determined by the board.
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330-A:9 Mental Health Practice; Conditional License.

I. Applicants for licensure under this section may apply to the office for conditional licensure. To receive a conditional license, applicants shall comply with the following requirements:

(a) Clinical social worker:

(1) Hold a master's or doctoral degree in social work or social welfare from a CSWE approved program.

(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a clinical social worker under this chapter.

(b) School social worker:

(1) Hold a master's or doctoral degree in social work or social welfare from a CSWE approved program.

(2) Obtain a board approved supervisory agreement, with documented intent to pursue licensure as a clinical social worker under this chapter.

(c) Social worker:

(1) Hold a bachelor's degree in social work or social welfare from a CSWE approved program.

(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a licensed social worker under this chapter.

(d) Social work associate:

(1) Hold an associate's or bachelor's degree in clinical mental health, social work, psychology, behavioral health counseling, human services discipline, or equivalent program from an accredited college or university.

(2) Complete 300 hours of social work or mental health education within the degree-granting program or separately.

(3) Complete 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately.

(4) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a licensed social work associate under this chapter.

(e) Clinical mental health counselor:

(1) Hold a master's or doctoral degree in clinical mental health counseling from a CACREP accredited institution or its equivalent which has received regional accreditation from the Association of Secondary Schools and Colleges.

(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a clinical mental health counselor under this chapter.

(f) Marriage and family therapist:

(1) Hold a master's or doctoral degree in family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or has a master's
degree or doctorate degree with a concentration in the field of marriage and family therapy from a
regionally accredited institution or has a clinical membership in the American Association for
Marriage and Family Therapy.

(2) Obtain a board approved supervisory agreement with documented intent to
pursue licensure as a marriage and family therapist under this chapter.

II. Conditional licenses issued under this section shall be valid for a period not to exceed 2
years from the date of issuance. Applicants in good standing may apply for a one-time renewal of a
conditional license.

330-A:10 Clinical Mental Health Counselors. The office shall issue a clinical mental health
counselor license to any person who meets all of the following requirements or their equivalent:

I. Has a 60-credit master's or doctoral degree in clinical mental health counseling from a
Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
institution or its equivalent which has received regional accreditation from the Association of
Secondary Schools and Colleges.

II. Has passed the clinical mental health counselor's proctored examination of the National
Board for Certified Counselors, Inc.

III. Has completed a minimum of 2 years of post-masters experience including completion of
a minimum of 3,000 hours of post-masters, supervised clinical experience by a board approved
licensed independent clinical social worker or licensed clinical mental health counselor supervisor, or
any other supervisor based on reasonable and specific criteria established in rules adopted under
RSA 330-A:4. A current master licensed alcohol and drug counselor (MLADC) license shall be
eligible to substitute 1,500 hours of the required 3,000 hours of supervised clinical experience.

330-A:11 Clinical Social Workers. The office shall issue a clinical social worker license to any
person who meets all the following requirements or their equivalent:

I. Has received a college undergraduate degree.

II. Has received a 2-year master's degree or doctorate degree in social work from a school
approved by the Council on Social Work Education.

III. Has completed a minimum of 2 years of post-masters experience, including completion of
a minimum of 3,000 hours of post-masters, supervised clinical experience by a board approved
licensed independent clinical social worker or licensed clinical mental health counselor supervisor, or
any other supervisor based on reasonable and specific criteria established in rules adopted under
RSA 330-A:4. A current master licensed alcohol and drug counselor (MLADC) license shall be
eligible to substitute 1,500 hours of the required 3,000 hours of supervised clinical experience.

IV. Has passed a national proctored examination approved by the board.

330-A:12 Licensed Alcohol and Drug Counselor; Initial License.

I. The office shall issue a license for a licensed alcohol and drug counselor for applicants
who:
(a) Have completed one of the following:

(1) Have graduated with an associate's degree in substance use counseling, addiction studies, or equivalent program, obtained 300 hours of alcohol and drug use education within the degree-granting program or separately, completed 6,000 hours of supervised work experience, and completed 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately; or

(2) Have graduated with a bachelor's degree in a clinical mental health, social work, psychology, substance use counseling, addiction studies, human services discipline, or equivalent program from an accredited college or university, obtained 300 hours of alcohol and drug use education within the degree-granting program or separately, completed 4,000 hours of supervised work experience, and completed 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately.

(b) Pass testing procedures of a nationally recognized credentialing entity specified by the board. Such procedures shall be based on the core functions and practice dimensions of addiction counseling.

II. The scope of practice of the LADC is the screening, assessment, diagnosis, treatment planning, and treatment of substance use disorders and the screening and referral of mental health disorders under clinical supervision as defined in this chapter. The scope does not include the treatment of co-occurring disorders, unless the LADC is in an academic internship as part of a master's program in a mental health field or employed as a LADC and working toward mental health licensure under this chapter or RSA 326-B. The practice of alcohol and drug counseling includes the following performance areas which encompass the 12 core functions and practice dimensions of addiction counseling:

(a) The performance of clinical evaluation including the screening, assessment, and diagnosis of alcohol and other drug use disorders, the assessment and identification of symptoms of co-occurring mental health disorders and differential diagnosis indicators and the development of preliminary mental health disorder diagnoses for further assessment and confirmation by an appropriate professional. This includes severity assessment and assessment of dangerousness to self or others;

(b) The performance of treatment planning; referrals including co-occurring mental health and medical conditions; case management and service coordination including implementation of treatment plans, consultation, coordination of care with mental health and other community providers, ongoing assessment of progress and needs, and client advocacy; education; and documentation;

(c) The performance of counseling, including:

(1) Individual, group, family, and significant other counseling; and
(2) Crisis prevention and intervention to include enlisting the support of trained personnel to manage risk of harm to self or others;

(d) Adherence to professional and ethical responsibilities as determined by the board.

II. An LADC may engage in practice only under clinical supervision of an MLADC, LCS, LADC, psychiatric APRN, or licensed mental health provider approved by the board.

330-A:13 Licensed Clinical Supervisor.

I. The office shall issue a license to practice as a licensed clinical supervisor to applicants who:

(a) Hold a current license as a MLADC or LADC;
(b) Have 10,000 hours of experience as an alcohol and drug counselor;
(c) Have 4,000 hours of experience as a clinical supervisor supervising professionals providing alcohol and drug counseling, which hours may be accumulated by the applicant as part of the experience requirements in paragraph II;
(d) Have received 200 hours of face-to-face clinical supervision;
(e) Have completed 30 hours of training in clinical supervision covering assessment, evaluation, counselor development, management, administration, and professional responsibility;
(f) Pass testing procedures of a nationally recognized credentialing entity specified by the board.

II. The scope of practice of a licensed clinical supervisor is based on knowledge in the core functions and performance domains to supervise alcohol and drug counselors. This includes administrative, evaluative, clinical, and supportive oversight of the practice of alcohol and drug counselors licensed under this chapter and persons seeking licensure.

III. The licensed clinical supervisor shall:

(a) Exercise responsibility over alcohol and drug counselors concerning all activities, including but not limited to, alcohol and drug counselor development, skill assessment and performance evaluation, staff management and administration, and professional responsibility.
(b) Not permit a supervisee to engage in any practice that the supervisee is not competent to perform.
(c) Be legally and ethically responsible for the supervised activities of the counselors he or she supervises.
(d) Be available or make appropriate provision for emergency consultation and intervention.
(e) Interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases, and to terminate the supervised relationship, if necessary.
(f) Provide supervision at locations mutually convenient to both the supervisor and the supervisee.


I. An applicant for an initial license as a licensed social worker shall comply with the following requirements:

(a) Graduate with a bachelor's degree in social work from a college or university approved by the Council on Social Work Education.

(b) Complete 300 hours of social work or mental health education within the degree-granting program or separately.

(c) Complete 4,000 hours of supervised work experience.

(d) Complete 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately.

(e) Pass a national proctored examination approved by the board.

II. The scope of practice of a licensed social worker shall be the screening, assessment, treatment planning, and treatment of mental health conditions as defined in this section as follows:

(a) The performance of clinical evaluation including the screening and assessment of mental health disorders, the assessment and identification of symptoms of co-occurring mental health disorders and differential diagnosis indicators, and the development of preliminary mental health disorder diagnoses for further assessment and confirmation by an appropriate professional. This includes severity assessment and assessment of dangerousness to self or others.

(b) The performance of treatment planning and case management referrals including co-occurring substance use disorders and medical conditions, case management and service coordination including implementation of treatment plans, consultation, coordination of care with mental health and other community providers, ongoing assessment of progress and needs, and client advocacy, education, and documentation.

(c) The performance of counseling, including:

(1) Individual, group, family, and significant other counseling; and

(2) Crisis prevention and intervention to include enlisting the support of trained personnel to manage risk of harm to self or others.

(d) Adherence to professional and ethical responsibilities as determined by the board.

III. During the first 2 years of licensure, a licensed social worker may engage in practice only under clinical supervision of a licensed clinical social worker, a licensed mental health counselor, a master licensed drug and alcohol counselor, a psychiatric APRN, or a licensed mental health provider approved by the board. The supervising clinician shall sign off on any clinical diagnostic assessment and treatment plan established by a licensed social worker.

330-A:15 Marriage and Family Therapists. The office shall issue a marriage and family therapist license to any person who meets all of the following requirements or their equivalent:
I. Has a master's degree or a doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or has a master's degree or a doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution, or has clinical membership in the American Association for Marriage and Family Therapy.

II. Has passed the national proctored examination of the Association of Marital and Family Therapy Regulatory Boards.

III. Has completed a minimum of 2 years of post-master's experience in a mental health counseling setting, including completion of a minimum of 3,000 hours of supervised practice of marriage and family therapy under supervision approved by the American Association of Marriage and Family Therapy or the board, and has completed 200 hours of face-to-face supervision by a supervisor approved by the American Association of Marriage and Family Therapy or the board. Supervision standards shall be equivalent to an American Association of Marriage and Family Therapy approved supervisor, or approved alternate supervision as defined by the American Association of Marriage and Family Therapy Commission on Supervision. A current master licensed alcohol and drug counselor (MLADC) license shall be permitted as a substitute for 1,500 hours of the required 3,000 hours of supervised clinical experience.

330-A:16 Master Licensed Alcohol and Drug Counselor; Scope of Practice.

I. The office shall issue a master licensed alcohol and drug counselor initial license to applicants who:

(a) Have graduated with a minimum graduate degree of a 60-hour masters degree or advanced standing masters degree in clinical mental health, clinical psychology, substance use treatment, social work, or human services or equivalent, with clinical course work and internship requirements, from an accredited college or university, 300 hours of alcohol and drug use education, which may be included in the coursework of the master's program, and 300 hours of supervised practical training; or, have graduated with a masters degree of less than 60 hours in a discipline described in this subparagraph and has completed the necessary additional hours of masters level course work as determined by the board.

(b) Either hold a current LADC license or pass the testing procedures required by the board.

(c) Either hold a current license as a marriage and family therapist, a clinical social worker, a mental health counselor, or pastoral psychotherapist or pass the examination approved by the board to demonstrate competence to provide co-occurring disorder counseling within the context of substance use counseling.

(d) Complete 3,000 hours of clinically supervised post-masters degree work experience in the treatment of substance use and co-occurring disorders. Up to 1,500 hours of clinically supervised work experience accumulated by the applicant during his or her practice as an LADC may be
counted toward the required 3,000 hours. A current license as a marriage and family therapist, a
clinical social worker, a mental health counselor, or pastoral psychotherapist shall be eligible to be
substituted for 1,500 hours of the required 3,000 hours of clinically supervised work experience.
II. The scope of practice of the MLADC is the screening, assessment, diagnosis, treatment
planning, and treatment of substance use disorders and co-occurring disorders only within the
context of addressing substance use disorders. The practice of alcohol and drug counseling and co-
occurring disorder counseling includes the following performance areas which encompass the 12 core
functions and practice dimensions of addiction counseling:

(a) The performance of clinical evaluations including the screening, assessment, and
diagnosis of substance use disorders and mental health disorders when they are co-occurring with a
substance use disorder, and the performance of differential diagnoses;
(b) The performance of treatment planning, case management, consultation, education,
documentation, and client advocacy;
(c) The performance of counseling including:
   (1) Individual, group, family, and significant other counseling;
   (2) Crisis prevention and intervention;
   (3) Co-occurring disorder counseling with the use of integrated models of
       assessment, intervention, and counseling techniques within the context or treatment of a substance
       use disorder; and
(d) Adherence to professional and ethical standards as determined by the board.
III. A MLADC may engage in independent practice within the scope of practice in this
section only with clinical supervision or peer collaboration.
IV. A MLADC shall provide services only within the boundaries of his or her competence,
based upon education, training, clinically supervised work experience, consultation, study, or
professional experience.

330-A:17 School Psychologist. The office shall issue a license to practice school psychology to
any person who:

I. Has passed a satisfactory examination in psychology as determined by the board including
a national school psychologists' examination.
II. Has completed one of the following:
(a) Any state board of education approved doctoral certificate of advanced graduate
study or master's level program in school psychologist; or
(b) Satisfy the following requirements:
   (1) Complete at least 60 semester hours or the equivalent of graduate study
culminating in at least a master's degree, of which at least 54 hours are exclusive of credit for the
supervised internship experience described below; and
(2) Experience in a supervised internship in a general school setting for 1,200 clock hours, full-time over one year or half time over 2 consecutive years in a general school setting, provided that if additional experiences are provided in mental health clinicals, psychiatric hospitals, and other institutions for children, such experiences shall not replace the supervised internship in a general school setting for more than 600 of the 1,200 hours.

III. Has submitted a complete set of fingerprints and a criminal history records release form to the office of safety.

IV. Has paid all fees.

330-A:18 School Social Workers. The office shall issue a school social worker license to any person who has completed all of the following requirements or their equivalent:

I. Has received a college undergraduate degree.

II. Has received a 2-year master's degree or doctorate degree in social work from a school approved by the Council on Social Work Education.

III. Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised school social work experience by a board approved licensed independent school social worker or licensed clinical mental health counselor supervisor, or any other supervisor based on reasonable and specific criteria established in rules adopted under RSA 330-A:4.

IV. Has passed a national proctored examination approved by the board.


I. An applicant for an initial license as a licensed social work associate shall comply with the following requirements:

(a)(1) Graduate with a bachelor's degree in clinical mental health, social work, psychology, behavioral health counseling, human services discipline, or equivalent program from an accredited college or university.

(2) Complete 300 hours of social work or mental health education within the degree-granting program or separately.

(3) Complete 4,000 hours of supervised work experience.

(4) Complete 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately.

(5) Pass a national proctored examination approved by the board; or

(b)(1) Graduate with an associate's degree in clinical mental health, social work, psychology, behavioral health counseling, human services discipline, or equivalent program.

(2) Complete 300 hours of social work or mental health education within the degree-granting program or separately.

(3) Complete 6,000 hours of supervised work experience.
Complete 300 hours of supervised practical training within the degree-granting program, as part of the supervised work experience or separately.

II. The scope of practice of a licensed social work associate shall be the screening, assessment, treatment planning, and treatment of mental health conditions under clinical supervision as defined in this section as follows:

(a) The performance of clinical evaluation including the screening and assessment of mental health disorders, the assessment and identification of symptoms of co-occurring mental health disorders and differential diagnosis indicators, and the development of preliminary mental health disorder diagnoses for further assessment and confirmation by an appropriate professional. This includes severity assessment and assessment of dangerousness to self or others.

(b) The performance of treatment planning and case management referrals including co-occurring substance use disorders and medical conditions, case management and service coordination including implementation of treatment plans, consultation, coordination of care with mental health, substance use treatment and other community providers, ongoing assessment of progress and needs, and client advocacy, education, and documentation.

(c) The performance of counseling, including:

(1) Individual, group, family, and significant other counseling; and

(2) Crisis prevention and intervention to include enlisting the support of trained personnel to manage risk of harm to self or others.

(d) Adherence to professional and ethical responsibilities as determined by the board.

III. A licensed social work associate may engage in practice only under clinical supervision of a licensed clinical social worker, a licensed mental health counselor, a master licensed drug and alcohol counselor, a psychiatric advanced practice registered nurse, or a licensed mental health provider approved by the board. The supervising clinician shall sign off on any clinical diagnostic assessment and treatment plan established by a licensed social work associate.

330-A:20 Pastoral Psychotherapist. The office shall issue a pastoral psychotherapist license to any person who satisfactorily meets all of the following requirements or their equivalent:

I. Has passed a satisfactory proctored examination in pastoral counseling. The examination shall be set and defined by the board.

II. Has a baccalaureate degree from an accredited college.

III. Has a Master of Divinity degree, or an equivalent, from a school of theology accredited by the Association of Theological Schools.

IV. Has been authorized by a denomination or faith group through ordination, consecration, or equivalent means to exercise specific religious leadership and service within and on behalf of the denomination or faith group.

V. Has completed one unit of full-time clinical pastoral education or its equivalent.
VI. Has given evidence of serving at least 3 years as a clergy person, demonstrating growing maturity in one's identity and role as a professional religious leader.

VII. Has received a doctoral degree in pastoral psychotherapy based on a program the content of which was primarily psychology, pastoral psychotherapy, and clinical studies, or its equivalent in both subject matter and extent of training.

VIII. Has done at least 1,375 hours of pastoral counseling while receiving at least 250 hours of interdisciplinary supervision of that counseling, dealing with the theological and psychological dimensions of human development.

IX. Has given evidence of having undergone sufficient theological and psychotherapeutic investigation of one's own intrapsychic and interpersonal processes so that one is able to protect the client from the pastoral psychotherapist's problems and to deploy oneself to the maximum benefit of the client.

X. Has given evidence of:
   (a) An understanding of the counseling and psychotherapeutic process;
   (b) An ability to develop the counseling or psychotherapeutic relationship;
   (c) An ability to perform a leadership role in the context of the religious community; and
   (d) An ability to integrate one's professional role and personal identity.

XI. Has attained the level of Fellow in the American Association of Pastoral Counselors or an equivalent organization.

330-A:21 Mental Health Practice; Psychologist. The office shall issue a psychologist license to any person who:

I. Has passed a satisfactory examination in psychology.

II. Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training.

III. Has had at least 2 years of satisfactory, supervised experience in the field of psychology.

IV. Has paid all fees.

V. Has submitted a complete set of fingerprints and a criminal history records release form to the office of safety as set forth in RSA 310.

330-A:22 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensee's client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed, unless such disclosure is required by a court order or allowed by federal law pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or 42 C.F.R. Part 2. Confidential relations and communications between a client and any person working under the supervision of a person licensed under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same
extent as though those relations or communications were with the supervising person licensed under this chapter, unless such disclosure is required by a court order. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-135-C:54 or RSA 464-A.


I. Nothing in this chapter shall be construed to limit:

(a) The psychotherapy activities, services, or use of official title of a person in the employ of a federal, state, county, or municipal agency, other political subdivision, or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position.

(b) The psychotherapy activities and services of a student, intern, or resident in a mental health discipline regulated by the board, who is pursuing a course of study approved by a regionally accredited degree-granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study, provided the student is designated as such by titles clearly indicating training status.

(c) The counseling activities and services of rabbis, priests, ministers, Christian Science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognized church or denomination.

(d) The psychotherapy activities and services of any other person providing mental health services as an employee of or consultant to an institution, facility, or nonprofit institution or agency which provides clinical mental health services and which provides clinical supervision of its staff and which assumes professional, ethical, and legal responsibility for such mental health services.

(e) The psychotherapy activities and services of physicians licensed under RSA 329, advanced registered nurse practitioners licensed under RSA 326-B:18, and psychologists licensed under RSA 329-B.

II. This chapter shall not be construed to prevent or restrict the mental health practice or substance use counseling activities of individuals who volunteer their services to non-profit charitable organizations and receive no remuneration for their services.

III. Nothing in this chapter shall be construed to prevent the New Hampshire office of education from credentialing individuals with the title certified school psychologist or certified associate school psychologists to provide school psychological services in those settings that are under the purview of the New Hampshire office of education. In addition, nothing in this chapter shall be construed to limit the ability of an educator in the field of psychology in a duly chartered educational institution to use his or her appropriate title.

330-A:24 Civil Liability; Duty to Warn.
I. Any person licensed under this chapter has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to such licensee a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by, and no monetary liability or cause of action shall arise against, any person licensed under this chapter if the licensee makes reasonable efforts to communicate the threat to the victim or victims, notifies the police office closest to the client's or potential victim's residence, or obtains civil commitment of the client to the state mental health system.

III. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against any person licensed under this chapter for information disclosed to third parties in an effort to discharge a duty under paragraph II.

330-A:25 Mental Health Practice; Sexual Misconduct. Sexual relations with a client or a former client shall be considered sexual misconduct and shall be subject to disciplinary action under this chapter and the duty to inform established in RSA 330-A:26.

330-A:26 Mental Health Practice; Sexual Misconduct; Duty to Inform.

I. If, during the course of mental health therapy a client alleges that a person licensed under this chapter has engaged with the client in sexual misconduct as defined in RSA 330-A:25, the person licensed under this chapter shall have a duty to inform the client in the manner provided for in paragraph II.

II. The duty may be discharged by, and no monetary liability or cause of action may arise against, any person licensed under this chapter, if the licensee informs the client of the unethical, unprofessional, and dishonorable conduct of the previous psychotherapist's actions. Any person licensed under this chapter shall also advise the client that such sexual misconduct is cause for disciplinary action by the board.

III. No civil or criminal liability shall arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to the board or any other statutorily created medical occupational licensing board conducting disciplinary proceedings in discharging the responsibilities established under this subdivision, provided that such information is disclosed in good faith.

IV. No civil action shall be maintained against any board member, the board, or its agents or employees, or against any organization or its members, including, but not limited to, any member of a professional licensure and certification review organization listed in RSA 507:8-c, I, or against any other person for or by reason of any statement, report, communication, or testimony to the board, or determination by the board in relation to disciplinary proceedings under this section provided that such statement, report, communication, or determination is made in good faith.
V. If the client decides to report such sexual misconduct to the board, the person licensed under this chapter shall provide, either directly or indirectly through referral, support and advocacy to such client in reporting the incident to the board.

446 New Paragraph; Midwifery; Purpose. Amend RSA 326-D:1 by inserting after paragraph V the following new paragraph:

VI. To reduce workforce barriers and provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation this chapter shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023. The executive director shall consult with the advisory council established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

447 Midwifery; Council. Amend RSA 326-D:2, II to read as follows:

II. "Council" means the midwifery advisory council established in RSA 326-D:3.

448 Midwifery; Council Established. Amend RSA 326-D:3, I to read as follows:

I. There shall be a midwifery advisory council consisting of [6] 3 members to be appointed by the governor with the advice and consent of the executive council, and the executive director of the office of professional licensure and certification. Members shall be appointed for 4-year terms. No member shall be appointed to more than 2 consecutive terms. All members of the council shall have been residents of this state for at least 5 years preceding appointment and shall include:

2 midwives certified pursuant to this chapter and one physician specializing in obstetrics or pediatrics with experience working with midwives certified pursuant to this chapter.

(a) An obstetrician licensed to practice medicine under RSA 329 with experience in working with midwives certified pursuant to this chapter.

(b) A pediatrician licensed to practice medicine under RSA 329 with experience in working with midwives certified pursuant to this chapter.

(c) Three midwives certified under this chapter, who have each attended at least 50 deliveries as midwives.

(d) One member of the general public who has familiarity with the practice of midwifery.

449 Midwifery; Rulemaking. Amend RSA 326-D:5, I to read as follows:

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

(a) Qualifications for the practice of midwifery.

(b) The teaching of midwifery.

(c) The scope of practice and procedures in the practice of midwifery, including policies for professional direction and supervision.
(d) Eligibility requirements for the certification of midwives and the issuance of certificates of midwifery, including procedures for provisional certification and recertification after certification has lapsed.

(e) Renewal eligibility requirements, including requirements for continuing education and peer review.

(f) Diagnostic and laboratory tests midwives may administer and perform and the proper administration of RSA 326-D:12.

(g) Standards for reciprocity.

(h) Establishing all administrative fines [authorized under RSA 326-D:8, III(a)(4)].

(i) Reporting requirements relative to client information and notification of transfers.

450 Midwifery; Certification. Amend RSA 326-D:6 to read as follows:

326-D:6 Certification. I. No person shall practice midwifery in this state without first obtaining certification from the [council] office of professional licensure and certification. The [council] office of professional licensure and certification shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits the requisite [a $110 certification] fee.

II. [Certification issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the council and upon payment of a $110 renewal fee.]

III. The title "certified midwife" shall be used only by persons certified under this chapter. No person shall continue to represent himself or herself as a certified midwife after certification has been suspended under this chapter. Any person whose certification under this chapter has been suspended or revoked [by the council for disciplinary action under RSA 326-D:8] shall not engage in the practice of midwifery unless and until the suspension or revocation of certification has been lifted.

IV. III. Any person who shall practice or attempt to practice as a certified midwife in this state without certification shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person. Any person violating any other provision of this chapter shall be guilty of a violation.

451 Midwifery; Qualifications. Amend RSA 326-D:7 to read as follows:

326-D:7 Qualifications. In order to be certified as a midwife by the [council] executive director of the office of professional licensure and certification, a person shall:

I. Have completed high school or its equivalent.

II. Complete one college-level course in human anatomy and physiology, or pass a college-level equivalency program or credit by exam.

III. Express an intent to engage in the active practice of midwifery in the state.
IV. Submit an affidavit disclosing any criminal convictions. If the [council] office of professional licensure and certification determines that such conviction has a direct bearing on the applicant's ability to serve as a midwife, such conviction may serve as a basis for denial of certification.

V. Meet practical experience requirements prescribed by the council, including specific numbers of prenatal visits, post-partum follow-up exams, attendance at live births as an observer and primary birth attendant under supervision, performance of newborn examinations, performance of laceration repairs, performance of postpartum visits, and observation of in-hospital births.

VI. Present evidence of technical skills as prescribed by the council.

VII. Present evidence of a passing grade on a certification examination approved by the council.

VIII. Pass both a written and an oral examination [administered] approved by the executive director of the office of professional licensure and certification, in consultation with the council. Such examinations shall include, but shall not be limited to, questions relative to New Hampshire laws and rules governing midwives.

452 Repeal; Midwifery. The following are repealed:

I. RSA 326-D:3, II, relative to compensation.

II. RSA 326-D:3, IV, relative to quorum of the council.

III. RSA 326-D:4, relative to powers and duties of the council.

IV. RSA 326-D:5, III, relative to rulemaking authority for hearings.

V. RSA 326-D:8, relative to disciplinary action.

VI. RSA 326-D:11, relative to certificate renewal.

VII. RSA 326-D:13, relative to reciprocity.

453 Natural Scientists; Repeal. RSA 310-A:75 through 310-A:96, relative to the regulation of natural scientists, is repealed

454 Naturopathic Health Care Practice; Implementation. To reduce workforce barriers and provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation this chapter shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023. The executive director shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

455 Naturopathic Health Care Practice; Definitions. Amend RSA 328-E:2, III to read as follows:

III. "Board" means the naturopathic advisory board of examiners established under RSA 328-E:7.

456 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as follows:
I. No persons shall practice or represent themselves as practicing naturopathic medicine in this state without first applying for and receiving a license from the [board] office of professional licensure and certification to practice naturopathic medicine.

457 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(b) to read as follows:

(b) Practice naturopathic medicine within a scope of practice which reflects the limits of their training and experience as determined by the executive director, in consultation with the advisory board.

458 Naturopathic Health Care Practice; Naturopathic Board of Examiners. RSA 328-E:7 is repealed and reenacted to read as follows:

328-E:7 Naturopathic Board of Examiners. There shall be a naturopathic advisory board of examiners consisting of 3 doctors of naturopathic medicine appointed by the executive director. Each member shall be appointed for 3-year terms. No member shall serve more than 2 full terms.

459 Naturopathic Health Care Practice; Powers and Duties of the Board. RSA 328-E:8 is repealed and reenacted to read as follows:

328-E:8 Powers and Duties of the Board. The executive director, in consultation with the advisory board, shall:

I. Ensure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.

II. Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the executive director under the authority granted in this chapter.

460 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 to read as follows:

328-E:9 Qualification for Licensure.

[L] To be eligible for a license to practice naturopathic medicine, the applicant shall:

(a) Be a graduate of a naturopathic medical college which is accredited by the Council on Naturopathic Medical Education or another such accrediting agency recognized by the federal government; and pass a competency based examination prescribed by the executive director, in consultation with the advisory board covering the appropriate naturopathic subjects; or,

(b) Be a graduate of a naturopathic medical college which has been approved by the executive director, in consultation with the advisory board as having appropriate education standards for naturopathic medical programs which granted degrees prior to 1981.

(c) Possess a good moral and professional reputation.

(d) Be physically and mentally fit to practice naturopathic medicine.
(e) Have had no license, certification, or registration to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine.

(f) Take and pass a New Hampshire jurisprudence examination to ensure that licensed naturopathic doctors understand the laws, rules, and scope of practice.

(g) File an application and pay the [ $300 license] requisite fee.

II. To obtain a license to practice naturopathic medicine by reciprocity, the applicant shall:

(a) Qualify under paragraph I, except that no written examination shall be required.

(b) Be licensed, certified, or registered by another state or the District of Columbia to practice naturopathic medicine which requires a written examination which is substantially equivalent to the written examination required by the board of this state.

461 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-E:9-a to read as follows:

328-E:9-a Criminal History Record Checks.

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

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] office of professional licensure and certification may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] office of professional licensure and certification shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] office of professional licensure and certification. The [board] office of professional licensure and certification shall maintain the confidentiality of all criminal history records information received pursuant to this section.

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

462 Naturopathic Health Care Practice; Rulemaking. Amend RSA 328-E:10 to read as follows:

328-E:10 Rulemaking.
I. The executive director, in consultation with the advisory board shall adopt rules under RSA 541-A relative to:

(a) The practice of naturopathic health care.

(b) Naturopathic assistants who assist doctors of naturopathic medicine, including the qualifications of naturopathic assistants who are not otherwise licensed by law.

(c) Further requirements, as necessary, of doctors of naturopathic medicine for specialty practice, as required under RSA 328-E:12.

(d) The formulary approved by the council on doctors of naturopathic medicine formulary under RSA 328-E:16, III.

(e) Prescribing controlled drugs pursuant to RSA 318-B:41.

(f) Any other rules which are necessary or proper for the administration of this chapter.

II. The executive director, in consultation with the advisory board shall adopt rules under RSA 541-A prescribing continuing education requirements for the renewal of licenses issued under this chapter.

463 Naturopathic Childbirth or Acupuncture Specialty Certification. Amend RSA 328-E:12 to read as follows:

328-E:12 Naturopathic Childbirth or Acupuncture Specialty Certification.

I. No doctor of naturopathic medicine shall practice naturopathic childbirth or acupuncture without first obtaining a certificate of specialty practice. The executive director, in consultation with the advisory board, shall adopt rules under RSA 541-A for the certification of doctors of naturopathic medicine for specialty practice.

II. To be certified in naturopathic childbirth, a doctor of naturopathic medicine shall be required to:

(a) Pass a specialty examination in obstetrics or natural childbirth approved by the board.

(b) Have at least 100 hours of course work, internship or preceptorship in obstetrics or natural childbirth approved by the executive director, in consultation with the advisory board.

(c) Have participated in 40 supervised births, including prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical or osteopathic physician with specialty training in obstetrics or natural childbirth. The executive director, in consultation with the advisory board may prescribe a national standardized examination in naturopathic childbirth as constituting the specialty examination.

(d) Meet the American College of Naturopath Obstetricians (ACNO) standards for childbirth.

III. To be certified in acupuncture, a doctor of naturopathic medicine shall be required to complete a program in acupuncture approved by the executive director, in consultation with the advisory board that includes at least 500 hours of training in acupuncture, including both didactic
and clinical training, and pass a specialty examination in acupuncture approved by the board. The executive director, in consultation with the advisory board may prescribe a national standardized examination in acupuncture as constituting the specialty examination.

464 Council on Doctors of Naturopathic Medicine Formulary; Members; Duties. Amend RSA 328-E:16 to read as follows:

328-E:16 Council on Doctors of Naturopathic Medicine Formulary; Members; Duties.

I. The advisory council on doctors of naturopathic medicine formulary is established and shall consist of the following members:

(a) One member of the naturopathic board of examiners, appointed by the naturopathic board of examiners.

(b) One doctor licensed by the naturopathic board of examiners, appointed by the naturopathic board of examiners.

(c) One physician licensed by the board of medicine under RSA 329, appointed by the board of medicine.

(d) One pharmacist licensed by the state pharmacy board, appointed by the state pharmacy board.

(e) One additional member, who holds an advanced degree in either pharmacology or pharmacognosy, appointed by the council.

II. The chairperson of the council shall be elected annually by a majority of the council members.

III. The council established under paragraph I of this section shall make recommendations to the executive director regarding [determine] the substances to be included in the formulary that may be prescribed by a doctor of naturopathic medicine acting under this chapter. The council shall review the formulary periodically. Immediately upon adoption or revision of the formulary, the council shall transmit the approved formulary to the executive director, in consultation with the advisory board which shall adopt the formulary by rule. When determined to be appropriate to the scope of practice of doctors of naturopathic medicine the council on doctors of naturopathic medicine formulary may also consider synthetically-produced substances and their salts having an identical or substantially identical molecular structure to a plant or animal substance as found in nature to be plant or animal substances.

IV. The term of each member of the council shall be 2 years. A member shall serve until a successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with the same qualifications as the retiring member.

465 Naturopathic Health Care Practice; Repeal. The following are repealed:

I. RSA 328-E:13, relative to license renewal.

II. RSA 328-E:14, relative to enforcement.

III. RSA 328-E:14-a, relative to hearings.
IV. RSA 328-E:15, relative to administration.

466 Nursing Practice Act; Definitions. Amend RSA 326-B:2, IV-VIII to read as follows:

IV. [Licensed nursing assistant" or "LNA] Nurse aide" means an individual who holds a current license] is on the nursing assistant registry pursuant to 42 C.F.R. section 483.156 and is qualified to provide client care under the direction of a registered nurse or licensed practical nurse. Nursing assistants shall not be separately licensed in this state, but shall be required to be on the nursing assistant registry pursuant to 42 C.F.R. 483.156.

V. "Licensed practical nurse" or "LPN" means an individual who holds a current license to practice practical nursing as defined in paragraph IX.

VI. "Medication nursing assistant" means a licensed nursing assistant holding a currently valid certificate authorizing the delegation to the nursing assistant of tasks of medication administration.

VII. "Nursing" means assisting clients or groups of clients to attain or maintain optimal health by implementing a strategy of care to accomplish defined goals and by evaluating responses to nursing care and medical treatment. Nursing includes basic health care that helps both clients and groups of clients cope with difficulties in daily living associated with their actual or potential health or illness status and also those nursing activities that require a substantial amount of scientific knowledge or technical skill.

VII-a. "Nurse" means a person authorized to practice nursing and who holds a current license to provide care as an APRN, RN, or LPN.

VIII. "Nursing-related activities" means client care provided by a licensed nursing assistant directed by an APRN, an RN, or an LPN.

467 Nurse Practice Act; Board of Nursing. Amend RSA 326-B:3 to read as follows:

326-B:3 Board of Nursing.

I. The board of nursing shall comprise [4] 5 members to be appointed by the governor with the consent of the council. [Any interested individual, association, or entity may make recommendation to the governor.] The members of the board shall include [5] 2 registered or licensed practical nurses, [one of whom shall be] an advanced practice registered nurse, [2 licensed practical nurses,] [2] 1 licensed nursing assistant, [one of whom shall be a medication licensed nursing assistant if possible] and [2] 1 representative [members] of the public. The terms of members shall be staggered as determined by the governor and council. All terms shall be for 3 years, and no member of the board shall be appointed to more than 3 consecutive terms.

II. Each APRN or RN member shall be a resident of this state, licensed in good standing under the provisions of this chapter, and currently engaged in the practice of nursing as an RN and shall have no fewer than 5 years of experience as an RN, at least 3 of which shall have immediately preceded appointment. RN members of the board shall represent the various areas of nursing practice including education, administration, and clinical practice.
III. The LPN members of the board shall be a resident of this state, licensed in good standing under the provisions of this chapter, and currently engaged in the practice of nursing and shall have had no fewer than 5 years of experience as an LPN, at least 3 of which shall have immediately preceded the date of appointment.

IV. The LNA members of the board shall be residents of this state, licensed in good standing under the provisions of this chapter, and currently engaged in nursing-related activities. [These members shall have a minimum of 5 years of experience as an LNA, at least 3 of which shall have immediately preceded the date of their appointment.]

V. The public [members] members shall be a resident of the state of New Hampshire who are not, and never have been, a [members] member of the nursing profession or the spouse of any such person. The public [members] member shall not have, and shall never have had, a material financial interest in either the provision of nursing services or an activity directly related to nursing, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

VI. No more than 2 board members shall be associated with a particular agency, corporation, or other enterprise or subsidiary at one time.

VII. [Repealed.]

VIII. An appointee to a full term on the board shall be appointed by the governor with the consent of the council before the expiration of the term of the member being succeeded and shall become a member of the board on the first day following the appointment expiration date of the previous appointee. Appointees to unexpired portions of full terms shall become members of the board on the day following such appointment, and shall serve the unexpired term and then be eligible to serve 3 full 3-year terms.

IX. The governor may remove any member from the board for neglect of any duty under RSA 326-B:4 or for incompetence or unprofessional or dishonorable conduct. Any person may file a complaint against a board member with the office of professional licensure and certification. The provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in dismissing board members.

X. All members of the board and its agents or employees shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members, agents, or employees, as long as they are not acting in a wanton or reckless manner.

XI. Board meetings shall be open to the public. In accordance with RSA 91-A:3, the board may conduct part of a meeting in nonpublic session.

468 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is reenacted and reenacted to read as follows:

326-B:4 Board of Nursing.

The board may:
I. Establish reasonable and uniform standards for nursing practice consistent with the
criteria identified by the National Council of State Boards of Nursing.

II. Establish eligibility criteria for licensure, including examination requirements and
continuing education requirements. The board shall select an appropriate nationally approved
licensing examination.

III. Determine and enforce appropriate disciplinary action against all individuals found
guilty of violating this chapter or the rules adopted under this chapter

IV. Deny or withdraw approval of nursing educational programs that do not meet the
minimum requirements of this chapter.

V. In accordance with state due process laws, limit the multistate licensure privilege of any
registered nurse or licensed practical nurse to practice in New Hampshire and may take any other
actions under applicable state laws necessary to protect the health and safety of New Hampshire
citizens. If the board does take such action, it shall promptly notify the administrator of the
coordinated licensure information system. The administrator of the coordinated licensure
information system shall promptly notify the home state of any such action taken by the state of
New Hampshire.

469 New Paragraph; Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 by
inserting after paragraph XIV the following new paragraph:

XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section 483.156,
including scope of duties for nursing assistants and placement of qualified individuals on the nursing
assistant registry.

470 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I to read as follows:

I. Submit a completed application and fees [as established by the board].

471 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing
Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

I. The board may issue a certificate of medication administration to a current [LNA] nurse
aide who:

472 Repeal. The following are repealed:

I. RSA 326-B:6, relative to collection and expenditure of funds.

II. RSA 326-B:8, relative to fees and charges.

III. RSA 326-B:14, relative to scope of practice.

IV. RSA 326-B:19, relative to licensed nursing assistant.

V. RSA 326-B:21, relative to licensed nursing assistant.

VI. RSA 326-B:21-a, relative to licensed nursing assistant.

VII. RSA 326-B:22, relative to licensure renewals.

VIII. RSA 326-B:23, relative to license reinstatement.

IX. RSA 326-B:31, I, relative to continuing education.
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X. RSA 326-B:37, relative to disciplinary action and misconduct.

XI. RSA 326-B:38, relative to investigations and hearings.

XII. RSA 326-B:39, relative to rehearing and appeals.

XIII. RSA 326-B:40, relative to injunctive relief.

XIV. RSA 326-B:41, relative to unlawful acts.

XV. RSA 326-B:41-a, relative to penalty.

XVI. RSA 326-B:42, relative to persons licensed under previous laws.

473 Nursing Home Administrators; Definitions. Amend RSA 151-A:1, I to read as follows:

I. "Board" means the advisory board of examiners of nursing home administrators of the state of New Hampshire.

474 Nursing Home Administrators; Board of Examiners; Transfer of Responsibility. The responsibility for implementations of RSA 151-A shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2023. The executive director shall consult with the advisory board established when implementing RSA 151-A. Rules in effect upon the effective date of this act shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

475 Nursing Home Administrators; Board of Examiners of Nursing Home Administrators. RSA 151-A:3 is repealed and reenacted to read as follows:

151-A:3 Board of Examiners of Nursing Home Administrators. There shall be an advisory board of examiners of nursing home administrators, which shall be composed of 3 members appointed by the executive director of the office of professional licensure and certification, who are nursing home administrators duly licensed and registered under this chapter. The term of office for each member of the advisory board shall be 3 years. No member shall serve more than 2 consecutive full terms.

476 Nursing Home Administrators; Functions and Duties of the Advisory Board. Amend the section heading and the introductory paragraph of RSA 151-A:4, I to read as follows:

151-A:4 Functions and Duties of the Advisory Board.

I. It shall be the function and duty of the executive director, in consultation with the advisory board to:

477 Nursing Home Administrators; Rulemaking. RSA 151-A:4-a is repealed and reenacted to read as follows:

151-A:4-a Rulemaking. The executive director, in consultation with the advisory board, shall adopt rules pursuant to RSA 541-A as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state:

I. To meet the requirements set forth in section 1908 of the Social Security Act and other federal requirements.

II. To establish a schedule of fines.
III. To establish standards and criteria for licensing, application and examination of applicants, and criteria for granting waivers of experience pursuant to RSA 151-A:5, II.

IV. To establish criteria for review and approval of educational requirements, including formal educational requirements for licensure or renewal and practical training requirements.

478 Nursing Home Administrators; Qualifications for Admission to Examination. Amend RSA 151-A:5 to read as follows:

151-A:5 Qualifications for Admission to Examination. The [board] executive director shall admit to examination for licensure as a nursing home administrator any candidate who pays a [licensing] fee and submits evidence of good moral character and suitability prescribed by the executive director, in consultation with the advisory board, and evidence that the candidate is at least 21 years old and has completed preliminary education satisfactory to the board; provided:

I. That no applicant for licensure as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence[on forms provided for such purpose by the board,] that the applicant has successfully completed a bachelor of science or bachelor of arts degree from an accredited school.

II. That no applicant for licensure as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless the applicant submits evidence[satisfactory to the board] that such applicant possesses such training or experience in the field of institutional administration as is required by the rules of the executive director, in consultation with the advisory board, or has been granted a waiver by the executive director, in consultation with the advisory board based on conditions established by rule.

479 Nursing Home Administrators; Examinations. Amend RSA 151-A:6 to read as follows:

151-A:6 Examinations.

[L] The executive director, in consultation with the advisory board, shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations which in any examination shall be the same for all candidates; provided, however, that such examinations shall include examination of the applicant to demonstrate the applicant’s proficiency in the rules of the department of health and human services pertaining to health and safety.

[II. Examinations shall be held at least 2 times each year, at such times and places as the board shall designate.]

480 Nursing Home Administrators; Criminal History Records Checks. Amend RSA 151-A:6-a to read as follows:

151-A:6-a Criminal History Record Checks.
I. Every applicant for initial or reciprocity licensure or reinstatement shall submit to the board of professional licensure and certification a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board of professional licensure and certification.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board of professional licensure and certification shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board of professional licensure and certification.

IV. [The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.]

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

481 Nursing Home Administrators; Licenses. RSA 151-A:7 is repealed and reenacted to read as follows:

151-A:7 Licenses. An applicant for a license as a nursing home administrator who has:

I. Successfully complied with the requirements of RSA 151-A:5 and the standards provided for therein; and

II. Passed the examination provided for in RSA 151-A:6 shall be issued a license.

III. Under emergency conditions the executive director may issue a non-renewable temporary emergency permit to a person of good character and suitability to act in the capacity of an administrator under the supervision of a licensed administrator pending the next examination or not to exceed 6 months.

482 Repeals; Nursing Home Administrators. The following are repealed:

I. RSA 151-A:1, II, relative to definition of secretary.

II. RSA 151-A:4, II, relative to functions of the board.

III. RSA 151-A:8, I-V, relative to registration.

IV. RSA 151-A:9, relative to reciprocity.

V. RSA 151-A:10, relative to injunction.

VI. RSA 151-A:11, relative to disciplinary proceedings.
VII. RSA 151-A:12, relative to restoration of licenses.

483 Optometry; Repeals. The following are repealed:

I. RSA 327:5-a, relative to fees.
II. RSA 327:6-b, relative to the joint credentialing committee.
III. RSA 327:11, relative to record of licenses.
IV. RSA 327:13, relative to renewal of licensure.
V. RSA 327:13-a, relative to reinstatement.
VI. RSA 327:20, relative to disciplinary action.
VII. RSA 327:21, relative to complaints.
VIII. RSA 327:22, relative to hearings.
IX. RSA 327:30, relative to penalties.

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

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

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

IX. (Procedures) Standards for the inspection of licensees;

486 Repeal; Pharmacy Rulemaking. The following are repealed:

I. RSA 318:5-a, VIII, relative to procedures for the conduct of hearings consistent with the requirements of due process.
II. RSA 318:5-a, X(e), relative to the establishment of the effective period of registration or certification for pharmacy technicians.
III. RSA 318:5-a, XI-a(e), relative to the establishment of the effective period of registration or certification for pharmacy interns.
IV. RSA 318:5-a, XI-c(e), relative to the establishment of the effective period of registration or certification for advanced pharmacy technicians.

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

318:9-a Inspectional Services. The office of professional licensure and certification shall provide inspectional services under this chapter and RSA 318-B:25 to the board of medicine, the board of veterinary medicine, the board of registration in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of examiners. Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians licensed by the New Hampshire board of pharmacy who have training and experience regarding pharmacy statutes and rules.
Amend RSA 318:15-b to read as follows:

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

Amend RSA 318:18, I(b)(3) to read as follows:

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

Amend RSA 318:18, II to read as follows:

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

Amend RSA 318:26-a to read as follows:

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

Amend RSA 318:29-a to read as follows:

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

II. Any committee of a professional society comprised primarily of pharmacists, its staff, or any district or local intervenor participating in a program established to aid pharmacists impaired by substance abuse or mental or physical illness may report in writing to the board or office of professional licensure and certification the name of the impaired pharmacist together with the pertinent information relating to his impairment. The board or office of professional licensure and certification may report to any committee of such professional society or the society's designated staff information which it may receive with regard to any pharmacist who may be impaired by substance abuse or mental or physical illness.

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

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

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

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

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

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

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

V. The board office of professional licensure and certification may contract with other organizations to operate the impaired pharmacist program for pharmacists who are...
impacted by drug or alcohol abuse or mental or physical illness. This program shall include, but is
not limited to, education, intervention and post-treatment monitoring.

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

493 Pharmacy; Required; Compliance. Amend RSA 318:37 to read as follows:
318:37 Required; Compliance.
   I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and
medicines unless such pharmacy is registered with and a permit therefor has been issued by the
office of professional licensure and certification in accordance with rules adopted by the
pharmacy board, except as provided in this chapter.

II. (a) No person shall conduct or operate a mail-order pharmacy located outside of this state
by shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is
registered in New Hampshire and a permit has been issued by the New Hampshire pharmacy board.
   (b) To obtain a permit, a mail-order pharmacy shall comply with each of the following:
      (1) Maintain a license in good standing from the state in which the mail-order
pharmacy is located;
      (2) Submit to the New Hampshire pharmacy board office of professional
licensure and certification an application for registration as provided by the office of professional
licensure and certification;
      (3) Pay all appropriate registration fees;
      (4) Submit to the New Hampshire pharmacy board office of professional
licensure and certification a copy of the state pharmacy license from the state in which the mail-
order pharmacy is located;
      (5) Submit to the New Hampshire pharmacy board office of professional
licensure and certification a copy of the state and federal controlled substance registrations from
the state in which it is located, if controlled substances are to be shipped into this state.
      (c) When requested to do so by the New Hampshire pharmacy board, each mail-order
pharmacy shall supply the New Hampshire pharmacy board with any inspection reports, warning
notices, disciplinary actions, notice of deficiency reports, or any other related reports from the state
in which it is located concerning the operation of a mail-order pharmacy for review of compliance
with state and federal drug laws.
      (d) Except in emergencies that constitute an immediate threat to the public health and
require expedited action by the board, the New Hampshire pharmacy board shall file a complaint
with the licensing board of the state in which the mail-order pharmacy is located when known or
suspected violations of the laws of the state in which the pharmacy is located are uncovered. If the
licensing board in the state in which the mail-order pharmacy is located initiates disciplinary action,
the New Hampshire pharmacy board may request the appropriate documents involved in the action
for consideration of discipline against the pharmacy registration of the mail-order pharmacy. If no
action is taken against the mail-order pharmacy by the licensing board of the state in which it is
located, the New Hampshire pharmacy board may request copies of any investigation reports
available from that state.

(e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state
that licenses and regulates mail-order pharmacies for the purpose of investigating complaints
against pharmacies located in New Hampshire or the sharing of information and investigative
reports, as long as the other state shall extend the same reciprocal cooperation to the New
Hampshire pharmacy board.

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

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

   495 Pharmacy; Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the
   United States Food and Drug Administration. Amend RSA 318:51-c, I-II to read as follows:
   
   I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1,
   VI, and no person acting as or employed by an outsourcing facility shall supply such drugs, without
first having obtained a license from the [board. Such license shall expire biennially on June 30 of
each odd numbered year. An application together with a fee established by the board shall be filed
biennially by June 15 of every odd numbered year] office of professional licensure and
certification according to the eligibility requirements set forth in rule by the pharmacy
board.

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

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

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

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

   I. No research organization shall procure or conduct research operations with prescription
drugs by researchers without first having obtained a license from the [board. Such license shall
expire biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by June 15 of every odd-numbered year.

office of professional licensure and certification according to the eligibility requirements set forth in rule by the pharmacy board.

II. No license shall be issued under this section unless the applicant has furnished proof satisfactory to the office of professional licensure and certification according to the eligibility requirements set forth in rule by the pharmacy board:

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

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

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

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

Repeal; Pharmacists. The following are repealed:

I. RSA 318:5, relative to officers and duties.

II. RSA 318:6-a, relative to fees.

III. RSA 318:16-e, relative to telemedicine.

IV. RSA 318:21, relative to applicants from out of state.

V. RSA 318:23, relative to application fee.

VI. RSA 318:25, relative to renewal of license.

VII. RSA 318:26, relative to neglect to renew.

VIII. RSA 318:29, relative to disciplinary action.

IX. RSA 318:29-b, relative to denial of a license.

X. RSA 318:29-c, relative to immunity.

XI. RSA 318:30, relative to investigatory powers of the board.

XII. RSA 318:30-a, relative to temporary suspension.

XIII. RSA 318:31, relative to hearings.

XIV. RSA 318:33, relative to attendance.

XV. RSA 318:35, relative to association.

XVI. RSA 318:36, relative to information.

XVII. RSA 318:38, relative to permits and fees.

XVIII. RSA 318:55, relative to fines.

XIX. RSA 318:56, relative to unused prescription program.

XX. RSA 318:57, relative to definitions.
XXI. RSA 318:58, relative to donating unused drugs.
XXII. RSA 318:59, relative to rulemaking.
XXIII. RSA 318:60, relative to limited immunity.

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

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

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

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

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

Terms of office shall be one year.

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

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

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

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

502 Repeals; Physical Therapy. The following are repealed:

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

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

III. RSA 318-A:13, relative to reporting violations.

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

598-A:1 Approval and Registration. To promote efficiency and economy, eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate customer service, the responsibility for registration of professional bondsmen shall be transferred to the office of professional licensure and certification effective July 1, 2023. No person proposing to become bail or surety in a criminal case for hire or reward, either received or to be received, shall be accepted as such unless [he] the person shall have been approved and registered as a professional bondsman by the [secretary of state or his designee] executive director of the office of professional licensure and certification; provided, however, no person proposing to become bail or surety in a criminal case in any calendar year after having become bail or surety in criminal cases on 5 separate occasions in said year shall be accepted thereafter during that year as bail or surety unless [he] the person shall have been approved and registered as a professional bondsman as provided in this section.

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

598-A:1-a Fees.
[L] A person proposing to become bail or surety and registered as a professional bondsman shall pay to the [secretary of state or his designee] executive director of the office of professional licensure and certification an initial application fee. [of $400;] The fee shall be deposited in the [general fund by the state treasurer as unrestricted revenue] office of professional licensure and certification fund.

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

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

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

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

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

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

598-A:4 Rules of the [Secretary of State or His Designee] Executive Director. All professional bondsmen shall be governed by rules which shall be adopted under RSA 541-A by the [secretary of state or his designee] executive director of the office of professional licensure and certification.
508 Professional Engineers and Land Surveyors. RSA 310-A:2 through 310-A:27 are repealed and reenacted to read as follows:

310-A:2 Definitions. As used in this subdivision:

I. "Board" means the board of professional engineers and land surveyors.

II. "Engineer of record" means a professional engineer who seals drawings, reports, or documents for a project. The seal shall acknowledge that the professional engineer prepared, coordinated, or had subordinates prepare under the direct supervision of the professional engineer, drawings, reports, or documents for a project. The engineer of record shall not be responsible for engineering work performed and sealed by other professional engineers, including independent consulting engineers who work under the coordination of the engineer of record.

III. "Engineering surveys" means any surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this subdivision, but shall exclude the surveying of real property for the establishment or reestablishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

IV. "Land surveyor" means a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying.

V. "Practice of engineering" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible oversight of construction, and responsible oversight of operation, in connection with any public or private utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health, or property is concerned.

VI. "Practice of land surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

VII. "Professional engineer" means a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience,
is technically and legally qualified to practice engineering, and who is licensed by the board or
otherwise authorized by this subdivision to engage in the practice of engineering.

310-A:3 Board of Professional Engineers and Land Surveyors.

I. To promote efficiency and economy, eliminate redundancies in licensure requirements,
and reduce administrative costs, the regulation of professional engineers and land surveyors shall be
held by one regulatory body. A board of professional engineers and land surveyors is established to
administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the
governor and council, 2 of whom shall be professional engineers, 2 of whom shall be land surveyors,
and one public member. The public member of the board shall be a person who is not, and never
was, a member of the professional engineering or land surveying professions or the spouse of any
such person, and who does not have and never has had, a material financial interest in either the
provision of engineering services, land surveying, or an activity directly related to engineering or
land surveying, including the representation of the board or profession for a fee at any time during
the 5 years preceding appointment.

II. Each member of the board shall be a resident of this state. Each professional member
shall have been engaged in at least five years of active, licensed professional practice prior to
appointment. No appointed member shall be eligible to serve more than 2 full consecutive terms,
provided that for this purpose only a period served which exceeds 1/2 of the 5-year term shall be
deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is
qualified and appointed. The successor's term shall be 5 years from the date of expiration of the
predecessor's appointment, regardless of the date of the successor's appointment. Vacancies
occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired
term. A board member may be removed for cause by the governor and council under RSA 4:1.

III. The board shall biennially elect a chairperson. A majority of the members of the board
who have been approved by the governor and council shall constitute a quorum.

310-A:4 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Eligibility requirements for licensure or certification.
(b) Examination requirements.
(c) The eligibility requirements for renewal of a license, including the requirements for
continuing education.
(d) Ethical and professional licensure and certification required to be met by each holder
of a license under this subdivision and how disciplinary actions by the board shall be implemented
for violations of these standards.
(e) What constitutes engineering experience for the purposes of licensure requirements.
(f) Substantive requirements for assessing, compromising, and collecting civil penalties
against licensees.
(g) Technical standards for forest, rural and urban surveys, including minimum error of closure.

(h) Standards for adequate deed research into the history of the subject parcel and adjacent tracts necessary for proper practice.

310-A:5 Engineers-in-training.

I. An engineer-in-training certification shall be issued by the office of professional licensure and certification to recognize those persons who have completed preliminary steps toward becoming licensed as a professional engineer. Engineers in training are not authorized to practice professional engineering.

II. The minimum qualifications for certification by the office as an engineer in training are as follows:

   (a) A bachelor’s degree in engineering or in engineering technology or 6 years or more of progressive engineering experience of a grade and character acceptable to the board; and

   (b) A passing score set by rules adopted by the board on a fundamentals of engineering examination recognized by board in rules.

   (c) Upon satisfaction of the minimum qualifications set forth in subparagraph (b), the office shall issue a certificate as an engineer in training. The certification shall have no expiration date and no renewal fees.

   (d) The use of the titles “engineer in training” and “EIT” in New Hampshire is restricted to those persons certified as engineers in training by the office or its equivalent in another state.


I. A land surveyor-in-training certification shall be issued by the office of professional licensure and certification to any person who has submitted an application, paid the requisite fee, and passed the fundamentals of land surveying examination approved by the board. Land surveyors in training are not authorized to practice land surveying.

310-A:7 License Required; Exemptions.

I. No person shall practice professional engineering or land surveying in this state, except as permitted in this section, without a license issued under this chapter.

II. Nothing in this subdivision shall be construed to prevent or impact:

   (a) The work of an employee or a subordinate of a person holding an engineering or land surveying license under this subdivision, provided that such work is done under the direct responsibility, checking, and supervision of a person holding a license under this subdivision;

   (b) The practice of officers and employees of the government of the United States or New Hampshire while engaged within this state in the practice of engineering or land surveying for the federal or state government; or

   (c) The practice of architecture by a duly licensed architect.

310-A:8 Licensed Professional Engineer.
I. The state recognizes the following routes to licensure:

(a) Individuals with a bachelor’s degree in engineering. The office shall issue a professional engineering license to a person who:

1. Satisfactorily completes a bachelor’s level engineering curriculum accredited by the Accreditation Board for Engineering and Technology (ABET);
2. Attains a passing score set by board rule on a fundamentals of engineering examination recognized by rules of the board;
3. Completes 4 years or more of progressive engineering experience after graduation of a grade and character that indicate to the board that the applicant may be competent to practice engineering, at least 2 years of which shall be in the specialty discipline for which the license is sought. A master’s degree in engineering may be counted as one year of experience.
4. Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and
5. Pays the required fee.

(b) Individuals with a master’s degree in engineering. The office shall issue a professional engineering license to an applicant who:

1. Satisfactorily completes a bachelor’s level curriculum in a technical field related to engineering and master’s level engineering curriculum accredited by ABET;
2. Attains a passing score set by board rule on a fundamentals of engineering examination recognized by board rule;
3. Completes 4 years or more of progressive engineering experience after graduation from the master’s degree program and of a grade and character that indicate to the board that the applicant may be competent to practice engineering, at least 2 years of which shall be in the specialty discipline for which the license is sought;
4. Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and
5. Pays the required fee.

(c) Individuals with a bachelor’s degree in engineering technology. The office shall issue a professional engineering license to an applicant who:

1. Satisfactorily completes a bachelor’s level engineering technology curriculum accredited by ABET;
2. Attains a passing score set by board rule on a fundamentals of engineering examination recognized by board rule;
3. Completes 8 years or more of progressive engineering experience after graduation of a grade and character that indicate to the board that the applicant may be competent to practice engineering, at least four years of which shall be in the specialty discipline for which the license is sought.
(4) Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and

(5) Pays the required fee.

(d) Individuals with 12 years of engineering experience. The office shall issue a professional engineering license to an applicant who:

(1) Attains a passing score set by board rule on a fundamentals of engineering examination recognized by board rule;

(2) Completes 12 years or more of progressive engineering experience after graduation of a grade and character that indicate to the board that the applicant may be competent to practice engineering, at least 6 years of which shall be in the specialty discipline for which the license is sought.

(3) Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and

(4) Pays the required fee.

(e) Individuals with 16 years of engineering experience. The office shall issue a professional engineering license to an applicant who:

(1) Completes 16 years or more of progressive engineering experience of a grade and character that indicate to the board that the applicant may be competent to practice engineering, at least 8 years of which shall be in the specialty discipline for which the license is sought.

(2) Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and

(3) Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and

(4) Pays the required fee.

(f) Alternate route to licensure. The office shall issue a professional engineering license to an applicant who:

(1) Attains a passing score set by board rule on a fundamentals of engineering examination recognized by board rule;

(2) Completes education and experience that, in the judgment of the board, demonstrates a substantially equivalent level of preparation for engineering practice as required by subparagraphs I(a), I(b), and I(c) of this section;

(3) Attains a passing score on a specialized examination recognized by board rule testing the principles and practices of engineering in the specialty discipline sought; and

(4) Pays the required fee.

II. Upon determining that an applicant is qualified for licensure in one or more specialty disciplines under paragraph I, the office shall issue a license indicating the specialty discipline or disciplines. Upon determining that an existing licensee is qualified by application in an additional specialty discipline under paragraph I, the office shall issue a license to the licensee indicating all specialty disciplines.
310-A:9 Licensed Land Surveyor.
   I. The office shall issue a license to any applicant who meets the following qualifications:
      (a) Bachelor's degree in land surveying, internship, portfolio, and examination. A person
          who has graduated with a bachelor's degree in land surveying from a program accredited by ABET,
          completed a 24-month internship, successfully completed a portfolio, and successfully completed the
          examinations required by the board may be granted a license; or
          (b) Associates degree in land surveying, internship, portfolio, and examination. A
              person who has graduated with an associate's degree in land surveying from a program
              accredited by ABET, completed a 36-month internship, successfully completed a portfolio, and successfully
              completed the examinations required by the Board may be granted a license; or
          (c) Internship, portfolio, and examinations. An applicant who has completed a 72-month
              internship, successfully completed a portfolio, and successfully completed the examinations required
              by the board may be granted a license.
   II. License examinations may consist of a national surveying examination selected by the
       board plus a state portion. The state portion shall be limited to those subjects and skills necessary
       to perform land surveying.
310-A:10 Business Organizations.
   I. The rights to practice professional engineering and land surveying are personal rights
      based on the qualities of the individual and evidenced by a nontransferable license.
   II. A corporation, limited liability company, partnership, association, individual
       proprietorship, or other business entity may furnish professional engineering or land surveying
       services, provided a member or employee thereof is licensed and is responsible for the work
       rendered.
   III. A corporation, limited liability company, partnership, association, or individual
       proprietorship with which the professional engineer or land surveyor may practice shall be jointly
       and severally liable with the licensee for work performed.
310-A:11 Seal.
   I. Each licensee shall obtain a seal of a design approved by the board according to rules
      adopted pursuant to RSA 541-A.
   II. Plans, specifications, reports, maps, plats, surveys, and other instruments of service
       issued by a licensee shall be signed and sealed by the licensee.
509 Professional Geologists; Repeals. The following provisions of RSA chapter 310-A are hereby
repealed:
   I. RSA 310-A:121, I(f), relative to professional geologists; hearings procedures.
   II. RSA 310-A:122, relative to professional geologists; immunity.
   III. RSA 310-A:132, relative to professional geologists; license expiration.
IV. RSA 310-A:133, relative to professional geologists, investigations and disciplinary proceedings.

V. RSA 310-A:134, relative to professional geologists, investigations.

VI. RSA 310-A:135, relative to professional geologists; hearings.

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

310-B:4 Real Estate Appraiser Board.

I. There is established an independent real estate appraiser board within the office of professional licensure and certification. The board shall be composed of the following [7] 5 members, appointed by the governor with the consent of council:

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

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

(c) [The banking executive director or designee.

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

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

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

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

V. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. No person, except the executive director or designee, shall serve as a member of the board for more than 2 consecutive terms. The appointing authority may remove a member for cause.

VI. The board shall meet at least once each calendar quarter to conduct its business and more often on call of the chair, or when the chair is requested to do so by 4 or more members of the board. The action of the majority of the members of the board present and voting shall be deemed the action of the board, and at least 4 members shall be present and voting on every vote of the board. Places of future meetings shall be decided by the vote of members at meetings or, in the event of a special meeting, by the chair. Written notice shall be given by the chair to each member of the time and place of each meeting of the board at least 10 days in advance.]
VII. The chairman of the board shall be elected from the board's members. [Neither the
banking executive director nor his designee shall serve as chairman.]

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

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

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

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

310-B:5 Licensure or Certification Process.

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

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

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

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

310-B:5-a Prohibited Conduct. A person licensed or certified [by the board] under this chapter,
shall, after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being
convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery,
embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to
defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses;
provided that, for the purposes of this section being convicted shall include all instances in which a
plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the
sentence has been deferred or suspended.

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

310-B:6-a Criminal History Record Checks.
I. Every applicant for initial licensure shall submit to the [board] office a criminal history record release form, as provided by the New Hampshire division of state police, office of safety, which authorizes the release of his or her criminal history record, if any, to the [board] office.

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

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

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

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

310-B:8 Examination Prerequisites.

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

II. As prerequisites to taking the examination for certification as a certified residential real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed the required classroom hours in subjects related to real estate appraisal, including instruction related to the Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board, in accordance with rules adopted by the board pursuant to RSA 541-A.

III. As prerequisites to taking the examination for licensure as a licensed residential real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed the required classroom hours in subjects related to real estate appraisal, including instruction related to the Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board, in accordance with rules adopted by the board pursuant to RSA 541-A.
State Licensed or Certified Real Estate Appraisers; Experience Requirements. Amend RSA 310-B:9, II as follows:

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

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

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

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

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

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

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

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

III. Each appraisal management company seeking to be registered in this state shall certify to the [board] office on an annual basis on a form prescribed by the [board] office that the appraisal management company has systems in place to verify that:

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

310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or independent contractor to, an appraisal management company that performs a USPAP Standard 3 review of an appraisal report on property located in this state shall be an appraiser with the proper level of licensure issued by the [board] office. Quality control examinations are exempt from this requirement as they are not considered a Standard 3 review.
520 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Registration Number. Amend RSA 310-B:12-m as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

523 New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-A:25 by inserting after 331-A:25, XV, the following subsection:

XVI. Supervision requirements for salespersons

524 New Hampshire Real Estate Practice Act; Repeals. The following provisions of RSA chapter 331-A are hereby repealed:
I. RSA 331-A:7, II relative to fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

525 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 as follows:

I. The purpose of a provisional license is to permit an individual to practice speech-language
pathology while completing the postgraduate professional experience required for initial licensure.

The [board] office of professional licensure and certification shall issue a provisional license to
an applicant who has met the eligibility requirements for initial licensure except for completion of
the required postgraduate professional experience and has completed the application procedure for
initial licensure except for submitting documentation of completion of the postgraduate professional
experience.

II. A holder of a provisional license is authorized to practice speech-language pathology
under the direction and supervision of a speech-language pathologist currently licensed in this state.

III. A holder of a provisional license practicing speech-language pathology full time shall
complete 9 months of postgraduate professional experience in accordance with rules adopted by the
board.

IV. A holder of a provisional license practicing speech-language pathology less than full time
shall complete the postgraduate professional experience within the time period specified by the
board in rules adopted pursuant to RSA 541-A.
V. A provisional license shall expire automatically on the date stated on the license.

VI. The [board] office of professional licensure and certification is authorized to issue conditional provisional licenses in accordance with rules adopted by the board pursuant to RSA 541-A.

526 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5 , VI- VIII to read as follows:

VI. The [application and qualification] eligibility requirements for initial certification, certification renewal, and certification reinstatement of speech-language assistants.

VII. [The investigation and discipline of certified speech-language assistants.

VIII. The sale and fitting of hearing aids.

527 Speech-language Pathology. Out of State Sales Regulated. Amend RSA 326-F:16 as follows:


I. No person shall conduct or operate a business outside of the state for the sale at retail of hearing aids to individuals within the state unless such business is registered with a permit issued by the [board] office of professional licensure and certification.

II. The [board] office of professional licensure and certification shall issue a permit to such out-of-state business if the business discloses and provides proof:

(a) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(b) Of the operating locations and the names and titles of all principal corporate officers;

(c) That the business complies with all lawful directions and requests for information from the board of all states in which it conducts business; and

(d) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of hearing aids.

[III. The board shall assess fees as established by rules adopted by the board, pursuant to RSA 541-A, for out-of-state hearing aid sales companies.]

528 Speech-language Pathology; Repeals. The following provisions of RSA 326-F are repealed:

I. RSA 326-F:6-a, relative to renewal.

II. RSA 326-F:7, relative to reinstatement.

III. RSA 326-F:7-a, relative to reinstatement.

IV. RSA 326-F:9, relative to registration of hearing aid dealers.

V. RSA 326-F:11, relative to audiologists from outside New Hampshire.

529 New Hampshire Veterinary Practice Act; Board; Compensation. Amend RSA 332-B:3 as follows:

332-B:3 Board; Compensation.

I. There shall be a board of veterinary medicine consisting of [7] 5 members: [5] 3 veterinarians, the state veterinarian, and one public member. The members, other than the state
veterinarian, shall be appointed by the governor, with the approval of the council, to a term of 5 years, and until a successor is appointed. No appointed member of the board shall be appointed to 2 consecutive 5-year terms. Vacancies shall be filled for the remainder of the term and in the same manner as the original appointment. Any appointed member of the board may be removed by the governor after a hearing by the board determines cause for removal. The state veterinarian shall serve as an ex officio member, provided any duties of the state veterinarian relative to this chapter shall be agreed upon in writing by the board and the executive director of agriculture, markets, and food and which agreement may include:

(a) Recording and producing meeting minutes for regular board meetings;
(b) Representing the board on the advisory council established in RSA 126-A:96;
(c) Submission of periodic reports to the board; and
(d) Participation in complaint investigations.

II. [When a vacancy has occurred, or is due to occur in a veterinary position on the board, the New Hampshire Veterinary Medical Association shall nominate 3 qualified persons and forward the nominations to the governor. The governor may make appointments from those nominated by the association, but shall not be required to appoint one of those so nominated.] Annually, the board shall organize by electing a president and such other officers as may be prescribed by rule. Officers of the board shall serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve.

III. [Repealed.]

IV. [All administrative, clerical, and business processing functions of the board shall be transferred to the office of professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.]

530 New Hampshire Veterinary Practice Act; Powers of the Board. Amend RSA 332-B:7 as follows:

332-B:7 Powers of the Board. The board shall have the power to:

I. [Examine and] Determine the qualifications and fitness of applicants for a license to practice veterinary medicine in this state.

II. [Issue, renew, deny, suspend, revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise] Discipline licensed veterinarians consistent with the provisions of this chapter and the rules and regulations adopted thereunder.

[III. [Repealed.]

IV. Conduct investigations and hearings as provided in RSA 332-B:15 and RSA 332-B:16.

V. [Repealed.]

V.a. [Repealed.]
VI. Employ full time or part time professional, clerical or special personnel necessary to
effectuate the provisions of this chapter and purchase or rent necessary office space, equipment and
supplies within the limits of appropriations made therefor.

VII. Appoint from its own membership one or more of the members to act as representatives
of the board at any meeting within or without the state where such representation is deemed
desirable.

VIII. Bring proceedings in the courts for the enforcement of this chapter or any regulations
made pursuant thereto.

IX-XI. [Repealed.]

531 Veterinary Practice Act; Examinations. RSA 332-B:10 is repealed and reenacted to read as
follows:

332-B:10 Examinations. The office shall issue an initial license to practice veterinary medicine
to any applicant who:
I. Is 18 years of age or more;
II. Has graduated from an AVMA accredited school of veterinary medicine or other
veterinary school accepted to the board; or, who holds an ECFVG certificate or a PAVE certificate;
III. Demonstrates good professional character according to rules adopted by the board
pursuant to RSA 541-A;
IV. Satisfactorily passed an examination adopted by the board pursuant to rule; and
V. Has paid the required fee.

532 New Hampshire Veterinary Practice Act; Animal Physical Therapy Certification. Amend
RSA 332-B:20, I as follows:
I. Any physical therapist practicing physical therapy on any animal shall meet the
requirements of this section and any additional requirements set by the board of veterinarians
pursuant to RSA 332-B:7-a, XIV [and shall be certified by the board of veterinary medicine.]

533 Veterinary Practice Act; Repeals. The following provisions of RSA 332-B are repealed:
I. RSA 332-B:3-a, relative to temporary member.
II. RSA 332-B:5, relative to meetings and duties.
III. RSA 332-B:6, relative to revenues.
IV. RSA 332-B:7-a, VIII, relative to procedures for the conduct of investigations.
V. RSA 332-B:7-a, IX, relative to procedures for the conduct of hearings.
VI. RSA 332-B:12, relative to temporary permit.
VII. RSA 332-B:13, relative to license renewal and lapse.
VIII. RSA 332-B:14, relative to disciplinary action.
IX. RSA 332-B:15, relative to investigations.
X. RSA 332-B:15-a, relative to emergency suspension.
XI. RSA 332-B:16, relative to hearings.
XII. RSA 332-B:16-a, relative to immunity from civil action.

XIII. RSA 332-B:9, relative to licensure.

Court Reporters; Repealed. RSA 310-A:161 through 310-A:181, relative to court reporters, are repealed.

Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1, 2023.
AN ACT relative to state fees, funds, revenues, and expenditures.

FISCAL IMPACT:
Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:
None