

## 2025 SESSION

### HOUSE BILL 2

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

SPONSORS:

COMMITTEE: Finance

---

### AMENDED ANALYSIS

1.	Bail Reform – Closing the Revolving Door for Violent Criminals and Repeat Offenders.....	3
2.	Permitting Reform – Addressing housing challenges with prompt state action .....	7
3.	Cell Phone Use Policy – Protecting the classroom for learning .....	14
4.	Solid Waste Site Evaluation Committee – Guarding our environment and our communities.....	14
5.	Education Freedom Accounts – Education freedom for all public school students .....	24
6.	Connecticut Lakes Headwaters Working Forest – Commonsense recreation access .....	25
7.	Group II pension reform – Delivering for those who protect us.....	25
8.	Delivering funding for the Education Trust Fund and Group II pension reform.....	39
9.	Northern Shield – Resources to protect the North Country from drug trafficking .....	42
10.	Board of Tax and Land Appeals.....	42
11.	Department of Business and Economic Affairs .....	42
12.	Commission on Aging.....	46
13.	Community College System of New Hampshire.....	46
14.	Department of Corrections.....	47
15.	Department of Health and Human Services.....	47
16.	Department of Information Technology .....	52
17.	Department of Justice .....	52
18.	Department of Education .....	54
19.	Judicial Council .....	56
20.	Department of Labor.....	57
21.	New Hampshire Retirement System.....	62
22.	Police Standards and Training Council.....	62

23.	Department of Safety .....	62
24.	State Treasury.....	64
25.	Department of Environmental Services .....	64
26.	Department of Administrative Services .....	67
27.	Lottery Commission.....	69
28.	Distribution of Funds .....	70
29.	Office of Professional Licensure and Certification.....	71
30.	Effective Date .....	77

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Five*

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. Bail Reform – Closing the Revolving Door for Violent Criminals and Repeat Offenders**

Bail and Recognizances; Release of a Defendant Pending Trial. RSA 597:2 is repealed and reenacted to read as follows:

**597:2 Release of a Defendant Pending Trial. –**

I. Except as provided in paragraph III or VIII, upon the appearance before the court of a person charged with an offense, the court shall issue an order that, pending arraignment or trial, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;
- (c) Detained; or
- (d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph XII.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court shall issue an order that, pending a probation violation hearing, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or
- (c) Detained.

III.(a) A person may be detained for a period of not more than 36 hours from the time of his or her arrest, excluding weekends and holidays. The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a finding of probable cause that such release will not reasonably assure the appearance of the person as required or will endanger the safety of the person or of any other

person or the community. The court may also consider as a factor in its determination under this paragraph or paragraph IV that a person who is detained as a result of his or her inability to meet the required conditions or post the required bond is the parent and sole caretaker of a child and whether, as a result, such child would become the responsibility of the division of children, youth, and families.

(b) If there is probable cause to believe that, on this matter or while on release pending resolution of a previous offense, the person:

- a. failed to appear; or
- b. committed a felony, class A misdemeanor, or driving or operating while impaired; or
- c. violated a condition of bail;

there shall be a rebuttable presumption that the person will not abide by bail conditions, and the person shall be detained. At the bail hearing, the defendant shall be permitted to present evidence and the court shall decide whether such person has rebutted the presumption that release will not reasonably assure the appearance of the person as required or comply with bail conditions.

(c) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 36 hours after the arrest, excluding weekends and holidays. At the person's appearance before the court, the court shall order that the person be detained pending trial if the court determines by a finding of probable cause that release of the person is a danger to that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant and material factors presented pursuant to paragraph VI. If the court does not find probable cause that the person must be detained, the court shall order the person released pursuant to subparagraph I(b), or, if applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the conditions of his or her bail for an offense listed in this subparagraph shall be held until they can be brought before the court at the first available date. If at a subsequent hearing, the court finds probable cause exists that the person violated the conditions of his or her bail for any of the crimes listed in this subparagraph, the defendant shall be held pending trial.

IV. As applied to this section, the court shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court determines by a finding of probable cause after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense, violate bail, or fail to appear. The defendant shall be afforded the opportunity to be heard and the court may consider any relevant factors in making its determination.

V. In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court may consider all relevant factors bearing upon a person's ability to post bail.

VI. (a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

VII. (a) If the court determines that release described in paragraphs I and II will not reasonably assure the appearance of the person as required or, as described in paragraph III or IX, will endanger the safety of the person or of any other person or the community, the court shall issue an order that includes the following conditions:

- (1) The condition that the person not commit a crime during the period of release; and
- (2) Such further condition or combination of conditions that he determines will reasonably assure the appearance of the person as required and the safety of the person or of any other person or the community, which may include the condition that the person:

(A) Execute an agreement to forfeit, upon failing to appear within 45 days of the date required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court may specify;

(B) Furnish bail for his appearance by recognizance with sufficient sureties or by deposit of moneys equal to the amount of the bail required as the court may direct; and

(C) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the person or of any other person or the community.

(b) In considering the conditions of release described in subparagraph VII(a)(1) or VII(a)(2), the court may upon its own motion, or shall upon the motion of the state, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that because of its source will not reasonably assure the appearance of the person as required.

XIII. If a person is charged with violation of a protective order issued under RSA 173-B or RSA 633:3-a, the person shall be detained without bail pending arraignment pursuant to RSA 173-B:9, I(a).

IX. If a person is charged with any of the offenses listed in RSA 173-B:1, I or charged with violation of a protective order issued under RSA 458:16, III or after arraignment for violation of a protective order under RSA 173-B, the court may order preventive detention without bail if there is probable cause to believe that the person poses a danger to another, or, in the alternative, restrictive conditions including but not limited to electronic monitoring and supervision. The court may consider, but shall not be limited to considering, any of the following conduct as evidence of posing a danger:

- (a) Threats of suicide.
- (b) Acute depression.
- (c) History of violating protective orders.
- (d) Possessing or attempting to possess a deadly weapon in violation of an order.
- (e) Death threats or threats of possessiveness toward another.
- (f) Stalking, as defined in RSA 633:3-a.
- (g) Cruelty to or violence directed toward pets.

X. A no-contact provision contained in any bail order shall not be construed to:

- (a) Prevent counsel for the defendant to have contact with counsel for any of the individuals protected by such provision; or
- (b) Prevent the parties, if the defendant and one of the protected individuals are parties in a domestic violence or marital matter, from attending court hearings scheduled in such matters or exchanging copies of legal pleadings filed in court in such matters.

XI. In a release order issued pursuant to the provisions of this section, the court shall include a written statement that sets forth:

- (a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and
- (b) The provisions of RSA 641:5, relative to intimidation of witnesses and informants.

XII. A person charged with an offense who is, and was at the time the offense was committed, on probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III may be detained for a period of not more than 72 hours from the time of his arrest, excluding weekends and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state or local law enforcement official. Upon such notice the court shall also direct the clerk to notify by telephone the division of field services, department of corrections, of the pending bail hearing. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the

conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

XIII. Notwithstanding any law to the contrary, upon the appearance of a person charged with a class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his personal recognizance, unless the court determines that such release will endanger the safety of the person or of any other person or the community. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

XIV. A person detained by a circuit court has the right to:

- (a) In the first instance, a hearing in circuit court within 36 hours after the filing of the motion, excluding weekends and holidays on a motion to reconsider the original detention order; and
- (b) A decision upon a de novo appeal, pursuant to RSA 597:6-e, II, to the superior court within 36 hours of the filing of the appeal, excluding weekends and holidays.

XV. (a) Each county may develop criteria to evaluate and determine whether a person is indigent or not for the purpose of the person's ability to repay the cost of electronic monitoring. Based on the criteria, the county may render a finding of indigent or not for the purpose of the person's ability to repay the costs of electronic monitoring.

(b) If the county finds that the person is not indigent for the purpose of repaying the cost of electronic monitoring, the county may order that the person reimburse the county for payment of the cost of electronic monitoring. The county may extend the time period for repayment in its discretion to allow the person time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed. The county may seek reimbursement in other ways as determined by the county.

(c) If the county finds that the person is indigent for the purpose of repaying the cost of electronic monitoring, the county may waive the cost of electronic monitoring.

## **2. Permitting Reform – Addressing housing challenges with prompt state action**

New paragraphs. Fish and Game; Endangered Species Conservation Act. Add after Section 212-A:2, V the paragraphs to read as follows:

***VI. “Commissioner” means the commissioner of the department of environmental services.***

***VII. “Department” means the department of environmental services.***

Fish and Game; Endangered Species Conservation Act; Conservation Programs. Amend RSA 212-A:9 to read as follows:

212-A:9 Conservation Programs. –

I. The executive director shall establish such programs, including acquisition of land or aquatic habitat or interests therein, as are deemed necessary for the conservation of endangered or threatened species. The executive director shall utilize all authority vested in the fish and game

department to carry out the purposes of this section.

II. In carrying out programs authorized by this section the executive director shall consult with other states having a common interest in particular threatened or endangered species of wildlife and may enter into agreements with federal agencies, other states, political subdivisions of this state or private persons with respect to programs designed to conserve endangered or threatened species of wildlife including, where appropriate, agreements for administration and management if any are established under this section or utilized for conservation of endangered or threatened species of wildlife.

III. All other state departments and agencies, to the extent possible, consistent with their authorities and responsibilities, shall ~~[assist and cooperate with the executive director in the furtherance of the purposes of this chapter for the conservation of endangered or threatened species. They shall]~~ take such action as is reasonable and prudent to insure that actions authorized, funded, or carried out by them do not appreciably jeopardize the continued existence of such species or result in the destruction or modification of habitat of such species which is determined by the executive director to be critical, by requiring that all such action is designed to avoid ~~[and]~~, minimize, **and mitigate** harm to such species and habitat designated as critical.

***Those other departments and agencies may consult with the department of environmental services to carry out the requirements of this paragraph. The executive director shall assist the department of environmental services in carrying out this paragraph.*** For the purpose of this statute, "appreciably jeopardize the continued existence of such species" shall be defined in rules adopted by the executive director pursuant to RSA 541-A. The provisions of RSA 212-A or any rule promulgated under this chapter shall not be applicable to a state department or agency when that state department or agency, in the process of undertaking an action, is required by federal law or regulation to address the environmental impact on wildlife or wildlife habitat, of that action.

***IV. The department of environmental services shall adopt rules to implement the requirements of paragraph III and establish a fee schedule for any reviews necessary to carry out those requirements. Such rulemaking shall commence within 30 days of the effective date of this section. The revenue collected from this section shall be deposited into the water resources fund established in RSA 482-A:3, III.***

***V. Any reviews conducted to fulfill the requirements of paragraph III for any permit, approval, or written authorization shall be conducted as follows:***

***(a) the department shall develop rules to administer this subsection;***

***(b) reviews of any permit, approval, or written authorization shall not exceed 60 days from receipt of all information as required by rules developed pursuant to subparagraph (a);***

***(c) the time to review a pending application may be extended with written authorization from the applicant;***

***(d) if the department requests additional information from the applicant necessary to complete a review of a submitted application the time it takes the applicant to respond shall not count against the 60 day timeline in subparagraph (b); and***

***(e) if the review period passes 60 days, except as provided for in subparagraph (d), without a determination by the department then the permit, approval, or written authorization shall be deemed approved subject to all conditions and obligations on the applicant as included in the submitted application and materials.***



***VI. Position Established. There shall be an environmental scientist position established within the department of environmental services, compensated under SOC 19, Payband 8, for the purpose of administering the requirements under RSA 212-A:9, III.***

***VII. The sum of \$275,000 for the biennium ending June 30, 2027, which shall not lapse, is hereby appropriated to 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.***

***VIII. The provisions of paragraph V (a) through (f) shall apply to permits, approvals, or written authorizations in the following chapters:***

***(a) RSA 485-A***

***(b) RSA 482-A***

***(c) RSA 483-B***

***(d) RSA 485-A***

***(e) RSA 236***

***IX. The effective date of this section is July 1, 2025.***

Fish and Game; Endangered Species Conservation Act; Threatened and Endangered Species Compensatory Mitigation Fund. Amend RSA 212-A:16 to read as follows:

212-A:16 Threatened and Endangered Species Compensatory Mitigation Fund. -

***(1)*** There is hereby established in the state treasury a separate fund to be known as the threatened and endangered species compensatory mitigation fund into which payments made pursuant to this section shall be credited. The fund shall be non-lapsing and continually appropriated to the ***fish and game*** department, for the purpose of funding projects that facilitate a net conservation benefit to threatened and endangered species, including, but not limited to critical habitat creation or restoration and the monitoring and maintenance of such areas. The state treasurer shall invest the fund as provided by law and any interest received on such investment shall be credited to the fund. Notwithstanding any other provision of law to the contrary, the executive director may accept payment for deposit into the fund for an unavoidable loss of critical habitat from a proposed activity without the approval of the governor, the governor and council, or the commission. The executive director shall approve disbursements from the fund following consultation with the commissioner ~~of the department of environmental services~~. The ~~department~~ ***executive director*** shall submit an annual report by October 1, 2022, and every year thereafter, to the fiscal committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library, summarizing all deposits and expenditures from the fund. The report shall include, but not be limited to a description of all projects undertaken.

***(2)*** The executive director shall adopt rules under RSA 541-A for the ***disbursement of money from the*** threatened and endangered species compensatory mitigation fund no later than one year following the effective date of this section. ***Those rules shall establish an administrative fee that the executive director may collect from payments made to the fund to cover the cost of operation of the fund.***

***(3)*** ***The department of environmental services shall adopt rules regarding when mitigation payments to the fund are required for impacts to threatened and endangered species or the habitats of threatened and endangered species, pursuant to RSA 206:33-g, II, resulting from the issuance of a permit by the department of environmental services, and the calculation of those payments.***

Public Recreation; New Hampshire Native Plant Protection. Amend RSA 217-A:3, VI to read as follows:

VI. "Environmental review" means a ~~[natural heritage bureau]~~ review of potential impacts to protected species and exemplary natural community occurrences to enable planning, permitting, and funding.

Public Recreation; New Hampshire Native Plant Protection; Cooperation with Other State Agencies. Amend RSA 217-A:7 to read as follows:

217-A:7 Cooperation with Other State Agencies. –

**(a)** All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the commissioner to carry out the purposes of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species or exemplary natural community.

**(b)** *If another state agency or department requires an environmental review to meet its obligations in paragraph (a), they shall consult with the department of environmental services. The department of environmental services may charge a fee of not less than \$50 for screening the database for instances of protected species and may charge a fee for providing an environmental review. Such fees shall be sufficient to cover the cost of building and maintaining a database for instances of protected species, for screening the database for instances of protected species, and for providing an environmental review. Fees shall be deposited in the water resources fund established in RSA 482-A:3, III. The commissioner of the department of natural and cultural resources shall be responsible for providing the data necessary for the database.*

**(c)** *The department of environmental services shall adopt rules to establish the process for requesting a screening and for the environmental review process in subsection (b) . Such rulemaking shall begin within 30 days of the effective date of this section. The commissioner shall assist and cooperate with the department of environmental services to ensure the agency has the information necessary to adequately complete the environmental review process.*

Public Recreation; New Hampshire Native Plant Protection; Natural Heritage Bureau Fund Established. Amend RSA 217-A:7-a to read as follows:

217-A:7-a Natural Heritage Bureau Fund Established. –

I. The commissioner may charge a fee ~~[for screening department records for instances of protected species or environmental review,]~~ for using inventory and information services~~[,]~~ and for publications and reports to recover the costs of providing products and services ~~[and a reasonable portion of the costs associated with building and maintaining the database].~~

II. Fees shall be sufficient to cover the costs of providing services and producing and providing products authorized by this chapter.

III. Fees shall be fixed in a schedule prepared and revised as necessary by the natural heritage bureau, approved by the commissioner, and established in rules adopted pursuant to RSA 541-A. The fees charged under this paragraph shall be deposited in the fund established in paragraph IV.

IV. There is hereby established in the office of the state treasurer a fund to be known as the

natural heritage bureau fund. Moneys collected under this section and RSA 217-A:6, III shall be deposited in this fund. The fund shall be nonlapsing and continually appropriated to the commissioner ~~[for the purposes of providing environmental reviews,]~~ for the costs of providing publications or reports to the public, for the costs of providing inventory and information services, and to accomplish the purposes of this chapter.

Water Management and Protection; Fill and Dredge In Wetlands; Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, I(b)-(d) to read as follows:

(b) The application fee for shoreline structure projects shall be ~~[\$400]~~ **\$600** plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be ~~[\$4]~~ **\$6** per square foot for permanent dock surface area; ~~[\$2]~~ **\$3** per square foot for seasonal dock surface area; and ~~[\$.40]~~ **\$.60** per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be ~~[\$400]~~ **\$600**.

(c) The application fee shall be ~~[\$400]~~ **\$600** for minimum impact dredge and fill projects and for non-enforcement related publicly funded and supervised restoration projects as defined by rules, regardless of impact classification, if undertaken by other than the person or persons responsible for causing the restoration to be needed. The application fee for all projects under this chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be ~~[\$.40]~~ **\$.60** per square foot of proposed impact, with a minimum fee of ~~[\$400]~~ **\$600** for all such projects that impact fewer than 600 square feet.

(d) If an owner chooses to voluntarily register existing docking structures, at the time the owner registers the structures with the department, he or she shall also submit a nonrefundable fee of ~~[\$200]~~ **\$300**.

New Paragraph. Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Certain Exemptions. Insert after RSA 482-A:3, I(f) the following paragraph to read as follows:

***(g) Starting July 1, 2027, the fees in paragraphs I(b), I(c), and I(d) shall be increased annually each July 1 by the percentage increase in consumer prices measured over the previous 12-month period based on the change in the Consumer Price Index, all items, as published by the United States Department of Labor Statistics or any successor or substitute index generally used to determine the purchasing power of the United States dollar. The fiscal committee shall be required to approve or deny each requested increase. The commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.***

Water Management and Protection; Fill and Dredge in Wetlands; Administrative Provisions. Amend RSA 482-A:11, III(a) to read as follows:

III. (a) Upon written notification to the department by a municipal conservation commission~~[,] or a local river management advisory committee[, or the New Hampshire Rivers Council]~~ that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall not make its decision on the application that is the subject of the notice until it has received and acknowledged receipt of a written report from such commission, local river management

advisory committee, or the council, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier~~[, subject to an extension of up to 40 days, as permitted by the commissioner, for good cause shown]~~. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. ~~[Where the commissioner grants an extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended for up to 40 days as agreed to by the applicant and the department.]~~ If a conservation commission~~[,]~~ **or** a local river management advisory committee~~[, or the New Hampshire Rivers Council]~~ makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation commission~~[,]~~ **or** local river management advisory committee~~[, or the New Hampshire Rivers Council]~~ pursuant to this paragraph is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

Water Management and Protection; Water Pollution and Waste Disposal. Amend RSA 485-A:17, II-II-a to read as follows:

485-A:17 Terrain Alteration. –

II. (a) The department shall charge a fee for **applications**, including project inspections, required under this section. The ~~[plan review]~~ **application** fee shall be based on the total area to be disturbed. Except for property subject to RSA 483-B:9, the fee for ~~[review of]~~ plans encompassing an area of at least 100,000 square feet but less than ~~[200,000]~~ **150,000** square feet shall be \$3,125. ***The fee for plans encompassing an area of at least 150,000 square feet but less than 200,000 square feet shall be \$6,250.*** For the property subject to RSA 483-B:9, the fee for ~~[review of]~~ plans encompassing an area of at least 50,000 square feet but less than ~~[200,000]~~ **150,000** square feet shall be \$5,000 ~~[3,125]~~ **and the fee for plans encompassing an area of at least 150,000 square feet but less than 200,000 square feet shall be \$6,250.** An additional fee of \$2,500 ~~[1,250]~~ shall be assessed for each additional area of up to 100,000 square feet to be disturbed. ***For all other projects, the fee shall be \$500 plus \$0.005 per square foot of disturbance.*** No application shall be accepted by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the water resources fund established in RSA 482-A:3, III. ***Starting July 1, 2027, the fees in paragraph II shall be increased annually each July 1 by the percentage increase in consumer prices measured over the previous 12-month period based on the change in the Consumer Price Index, all items, as published by the United States Department of Labor Statistics or any successor or substitute index generally used to determine the purchasing power of the United States dollar. The fiscal committee shall be required to approve or deny each requested increase. The commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.***

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

II-a. ~~[Repealed.]~~ ***The department shall adopt rules to establish a permit by notification for***

***projects with plans encompassing an area less than 150,000 square feet. The following projects shall not qualify for such a permit by notification:***

***(a) A project that would result in a discharge of stormwater within one-quarter-mile of a class A surface water or within the watershed of a surface water of national forests and surface waters designated as natural under RSA 483:7-a, I, which are considered outstanding resource waters (ORW); or***

***(b) A project that is subject to RSA 483-B:9.***

New Paragraph. Water Management and Protection; Fill and Dredge in Wetlands; Definitions. Add after paragraph RSA 482-A:2, VIII the following paragraph to read as follows:

***VIII-a. "Boathouse" means a docking structure having a permanent roof covering one or more boat slips.***

New Paragraph. Water Management and Protection; Fill and Dredge in Wetlands; Definitions. Add after paragraph RSA 482-A:2, IX the following paragraph to read as follows:

***IX-a. "Structural height" means the vertical distance from its lowest dock surface of a structure to the highest point of the structure.***

New Paragraph. Water Management and Protection; Fill and Dredge in Wetlands; Restrictions on Use of Structures Built Over the Waters of the State. Add after paragraph RSA 482-A:26 the following paragraph to read as follows:

***482-A:26-a. Boathouse Requirements***

***I. Any boathouse constructed after February 20, 2025, and located over public waters shall not exceed a structural height of 18 feet, shall have no second floor, and shall minimize storage to accommodate only those items, such as life-jackets, paddles, and rigging, reasonably related to the use of a boat. No boathouse over public waters existing as of February 20, 2025, shall be modified to increase its structural height or to add additional floors.***

***II. For the purposes of this subdivision, "public waters" means all natural ponds of more than 10 acres and all tidal waters up to the high water mark at the level of the mean high tide.***

Water Management and Protection; Fill and Dredge in Wetlands; Restrictions on Use of Structures Built Over the Waters of the State; Penalty. Amend RSA 482-A:27 to read as follows:

**482-A:27 Penalty.** – Any person who violates any provision of RSA 482-A:26 ***or RSA 482-A26-a*** shall be required to remove the structure or portion of the structure constructed, reconstructed, repaired, converted, or modified in violation of said section and shall be subject to the civil, criminal, and other penalties set forth in RSA 482-A:13, 14, and 14-b. Any criminal fine collected for a violation of RSA 482-A:26 shall accrue to the use of the municipality in which the structure is located.

### **3. Cell Phone Use Policy – Protecting the classroom for learning**

New Paragraph; Cell Phone Use Policy. Amend RSA 189:1-a by inserting after paragraph IV the following new paragraph:

V. (a) School boards shall develop and adopt a policy governing student cell phone use in schools. Such policy shall prohibit personal device use by students during the school day and be implemented school-wide, with approved exceptions determined by student medical, disability or language proficiency need. Such policy shall be developed in collaboration with any applicable local educator associations and school district parents and shall be reviewed and updated annually. School district policies shall not prohibit students with disabilities from using a device to support their learning as identified by their individualized education program (IEP), plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C 794, or when required to support emergent multilingual students with appropriate language access programs and services pursuant to Title VI of the Civil Rights Act of 1964.

(b) There is established a cell phone use policy grant program administered by the department of education. Grants shall be awarded for the purpose of assisting school boards in implementing policies governing student cell phone use in school as described in subparagraph (a). The department shall adopt any rules and guidelines to implement and administer the program.

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

### **4. Solid Waste Site Evaluation Committee – Guarding our environment and our communities**

New Part; Solid Waste Facility Site Evaluation Committee. Insert after RSA 149-M:64 the following new sections:

#### **Part Solid Waste Facility Site Evaluation Committee**

149-M:65 Declaration of Purpose. – The legislative and executive branch recognize that the selection of sites for major solid waste disposal facilities may have significant statewide, regional and local impacts that are not fully evaluated through existing regulatory review. Accordingly, the legislative and executive branch find that it is in the public interest to establish a procedure to evaluate the local, regional and statewide benefits and burdens of a new major solid waste facility that are not captured by existing regulatory reviews, including noise, odor, aesthetics, local and regional economic impacts, property value impacts, nature and source of waste, need, impacts on tourism, recreation and traffic, and other similar impacts.

149-M:66 Definitions. –

I. “Acceptance” means a determination by the committee that it finds that the application is complete and ready for consideration.

II. “Administrator” means the administrator of the committee established pursuant to RSA 149-M:67.

III. “Affected municipality” means any municipality or unincorporated place in which any part of a major solid waste disposal facility is proposed to be located and any municipality or

unincorporated place from which any part of the proposed major solid waste disposal facility will be visible or audible, including offsite traffic impacts.

IV. "Certificate" means the document issued by the committee, containing such terms and conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

V. "Commence construction" means any clearing of the land, excavation or other substantial action that would result in long-term impacts to the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, necessary subsurface explorations to determine hydrogeologic and soil conditions, work required as part of an application to any federal, state, or local authority, or other preconstruction monitoring or testing to establish background information related to the suitability of the site for the proposed use.

VI. "Committee" means the solid waste evaluation committee established by this chapter.

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

VIII. "Major Solid Waste Disposal Facility" means a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste with a proposed waste acceptance rate greater than 100,000 tons/year. Major solid waste disposal facility does not include any facility proposed to be constructed by a New Hampshire municipal government.

IX. "Filing" means the date on which the application is first submitted to the committee.

X. "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency, or other organization.

#### 149-M:67 Solid Waste Evaluation Committee Established. –

I. There is hereby established a committee to be known as the New Hampshire Solid Waste Evaluation Committee consisting of 5 members, as follows:

(a) The chairperson of the waste management council established under RSA 21-O:9 who shall serve as chairperson of the committee. If there is an appeal pending before the waste management council related to the major solid waste disposal facility, then the chairperson of the wetlands council, water council or air resources council established under RSA 21-O, selected by the commissioner of the department, shall serve as chairperson of the committee.

(b) The commissioner of the department of environmental services, or designee; and

(c) Two members and, when required by RSA 149-M:68, an alternate member, appointed by the governor with the consent of the executive council, including a member who serves on a local conservation commission and a member who has expertise in the private waste management industry;

(d) One public member and, when required by RSA 149-M:68, an alternate public member, appointed by the governor with the consent of the executive council as described in RSA 149-M:68, with expertise or experience in one or more of the following areas: business management; environmental protection; natural resource protection; solid waste disposal facility design, construction, operation, or management; community and regional planning or economic development; municipal or county government; or the governing of unincorporated places.

II. All members, including those who sit for a member recused under RSA 149-M:68, shall refrain from ex parte communications regarding any matter pending before the committee. A majority of the members of the committee shall constitute a quorum for the purpose of conducting the committee's business.

III. The committee shall be administratively attached to the department of environmental services.

IV. The chairperson shall serve as the chief executive of the committee and may:

(a) Serve as presiding officer.

(b) Delegate to other members the duties of the presiding officer, as appropriate.

(c) Establish, with the consent of the committee, the budgetary requirements of the committee.

(d) Engage personnel in accordance with this chapter.

V. The presiding officer may appoint a hearing officer to perform the functions described in RSA 149-M:70, V.

149-M:68 Members Appointed By The Governor With The Consent Of Council. –

I. Members and alternate members appointed under RSA 149-M:67, I(c) and (d) shall serve 4-year terms and until their successors are appointed and qualified. Any member chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term of the member who is succeeded.

II. If at any time the member appointed by the governor with the consent of the executive council must recuse himself or herself from a matter before the committee or is not otherwise available for good reason, the alternate member shall replace such member.

III. No public member nor any member of his or her family shall receive income from entities that own or operate, or have applied to own or operate, major solid waste disposal facilities in New Hampshire. The members appointed by the governor with the consent of the executive council and their alternates shall comply with RSA 15-A and RSA 15-B.

IV. Any member appointed by the governor with the consent of the executive council may be removed from office in accordance with RSA 4:1.

149-M:69 Administrator and Other Committee Support. –

The administrator of the committee shall provide support to the committee. If the administrator is not available or the position is vacant, the committee may hire an independent contractor. The administrator shall be under the supervision of the chairperson when performing duties for the committee. The administrator shall be compensated for work performed for the committee as set forth in RSA 149-M:85. The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary.

149-M:70 Powers and Duties of the Committee; Rules. –

I. The committee shall:

(a) Evaluate and issue any certificate under this chapter for a major solid waste disposal facility, except the committee shall not consider technical questions already considered by other state or federal agencies, nor include terms or conditions in a certificate that have already been reviewed and decided upon by other state or federal agency regulatory reviews.

(b) Determine the terms and conditions of any certificate issued under this chapter.

(c) Adjudicate enforcement matters.

(d) Assist the public in understanding the requirements of this chapter.

(e) Deny applications for a certificate based on such findings and rulings as may be necessary to support its decision to deny.

II. The committee shall hold hearings as required by this chapter and such additional hearings as



it deems necessary and appropriate and, in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.

III. The committee may delegate to the administrator or such state agency or official as it deems appropriate the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the major solid waste disposal facility configuration to the extent that such changes are authorized by the certificate for those portions of a proposed major solid waste disposal facility project.

IV. The committee may not delegate its authority or duties except as provided under this chapter.

V. In any matter before the committee, the presiding officer, or a hearing officer designated by the presiding officer, may hear and decide procedural matters that are before the committee, including procedural schedules, consolidation of parties with substantially similar interests, discovery schedules and motions, and identification of significant disputed issues for hearing and decision by the committee. Undisputed petitions for intervention may be decided by the hearing officer and disputed petitions shall be decided by the presiding officer. Any party aggrieved by a decision on a petition to intervene may within 10 calendar days request that the committee review such decision. Other procedural decisions may be reviewed by the committee at its discretion.

VI. The committee shall issue such rules to administer this chapter, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

#### 149-M:71 Prohibitions and Restrictions. –

I. No person shall commence construction of any major solid waste disposal facility within the state unless it has obtained a certificate pursuant to this chapter. Such facilities shall be constructed, operated, and maintained in accordance with the terms of the certificate and any other federal, state, or local permits or approvals. Such certificates are required for changes or additions to existing facilities that propose an annual throughput of greater than or equal to 100,000 tons/year. Such a certificate shall not be transferred or assigned without approval of the committee. Unless otherwise specified in this chapter, any approved major solid waste facility shall not be constructed, operated, or closed in a manner materially different than the manner in which it was presented in the application for a certificate as modified and conditioned by such certificate.

II. An application for a certificate from the committee shall only be approved or denied by the committee after all other state agency approvals have been obtained. Applications for certificates may be filed and evaluated by the committee concurrently with other state approvals and public hearings may be scheduled concurrently with hearings held by other state agencies as part of their permitting process for the same facility.

#### 149-M:72 Application for Certificate. –

I. All applications for a certificate for a major solid waste disposal facility shall be filed with the administrator.

II. Upon filing of an application, the chairperson or designated presiding officer shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter. If the application does not contain such sufficient information, the chairperson or designated presiding officer shall, in writing, expeditiously notify the applicant of that fact and specify what information the applicant must

supply.

III. Each application shall:

(a) Describe in reasonable detail the types and quantities of waste and their characteristics proposed to be accepted and size of each major part of the proposed facility.

(b) Describe in reasonable detail the source of waste to be accepted.

(c) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

(d) Describe in reasonable detail the impact of each major part of the proposed facility on existing local, regional, and state land uses.

(e) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 149-M:66, III. The application shall include a list of the affected municipalities.

(f) Provide analysis on the local, regional and statewide visual impact of the proposed facility during construction, operation, and post-closure and the visual impacts as evaluated through a visual impact assessment prepared in accordance with professional standards by an expert in the field.

(g) Provide information in reasonable detail about the impacts on local, regional and state property values, tourism, outdoor recreation, traffic, noise, and odor by the proposed facility. These analyses shall be conducted in accordance with professional standards by an expert in these fields.

(h) Provide a reasonable amount of information relative to how new contaminants of concern not regulated by a permit issued by the department, will be monitored, evaluated and managed over the proposed life of the facility.

(i) Provide a reasonable amount of information relative to the economic impacts of the proposed facility on affected municipalities, the region, and the state.

(j) Provide such additional information as the committee may require or request to carry out the purposes of this chapter.

IV. To the extent any information provided in the application was submitted and considered by a state agency as part of its permitting evaluation and decision, the applicant shall specify what information was so considered and the statutory and regulatory authority for that agency's consideration of the information.

V. For all information submitted with the application that was prepared by an outside consultant or expert, the applicant shall submit the qualifications of such consultants or experts to prepare such information.

VI. The committee may require the applicant to hire an independent third party, agreed upon by the committee, to peer review any assessments provided under this section.

VII. The chairperson or designated presiding officer shall decide whether to accept the application as administratively complete within 60 days of filing. If the chairperson or designated presiding officer rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VIII. Public information sessions shall be held in accordance with RSA 149-M:76.

IX. Within 180 days of the acceptance of an application, the committee shall issue or deny a certificate for the proposed major solid waste disposal facility.

X. The applicant shall immediately inform the committee of any substantive modification to its application.

XI. The committee may require state agencies with relevant technical expertise to participate in committee proceedings.

XII. A state agency may intervene as a party in any committee proceeding in the same manner as other persons under RSA 541-A.

149-M:73 Disclosure of Ownership. –

Any application for a certificate, or for change in ownership and transfer of certificate, shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association or limited liability company, the name of the state under which it was formed, the names and residences of the members of the association or limited liability company.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. If doing business in a form other than as an association, limited liability company or corporation, the form of the business, the name of the state under which it was formed, and the names and residences of anyone with a financial, ownership or control interest in the organization.

V. The location or locations where an applicant is to conduct its business.

VI. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

VII. The committee shall administratively approve changes of ownership and transfers of certificates within 90 days of a petition if it determines the new certificate holder has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate and any federal, state and local permits.

149-M:74 Application and Filing Fees. –

I. A person filing with the committee an application for a certificate for a major solid waste disposal facility, shall pay to the committee at the time of filing a fee determined in accordance with the fee schedule described in paragraph II. If an application for a certificate for a major solid waste disposal facility is deemed incomplete pursuant to RSA149-M:72, VII, and a new application is submitted thereunder, the unused portion of the initial application fee shall be refunded to the applicant or credited to the filing of the new application. The committee may in its discretion provide for a credit or refund in other circumstances that are unforeseen by the applicant.

II. The fees under paragraph I shall be determined in accordance with a fee schedule posted by the committee on its website, which shall include the following amounts:

(a) Application fee for a major solid waste disposal facility: \$20,000 base charge and \$1,000 per additional 10,000 tons/year throughput in excess of 100,000 tons/year.

(b) Filing fees for administrative proceedings:

(1) Petition for committee jurisdiction: \$500.

(2) Certificate transfer of ownership: \$1,000.

(3) Request to modify a certificate: \$1,000.

III. All fee charges shall be deposited in the solid waste evaluation committee fund established in RSA 149-M:84 and shall be nonlapsing and accounted for as a separate line item.

IV. The committee shall review and evaluate the application fees and filing fees in the fee schedule in paragraph II (a) and (b) at least once each year. The committee may increase any amount in the fee schedule by no more than the increase in the consumer price index from the prior year, provided that any such increase shall occur not more frequently than once during any 12-month period. Modifications to the fee schedule shall be posted on the committee website, with a link prominently displayed on the home page.

#### 149-M:75 Counsel for the Public. –

I. The chair or the administrator shall notify the attorney general of all administrative proceedings. The attorney general may appoint an assistant attorney general as counsel for the public in administrative proceedings. Upon notification that an application for a certificate has been filed with the committee in accordance with RSA 149-M:72, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public in all aspects of the committee's authority. The counsel shall be accorded all the rights and privileges, and responsibilities of an attorney representing a party in formal action and shall serve until the decision to issue or deny a certificate is final.

II. This section shall not be construed to prevent any person from being heard or represented by counsel; provided, however, the committee may compel consolidation of representation for such persons as have, in the committee's reasonable judgment, substantially identical interests.

#### 149-M:76 Public Hearing; Studies –

I. At least 30 days prior to filing an application for a certificate, an applicant shall hold at least one public information session in each affected municipality where the proposed facility is to be located. This session may be held concurrent with a public session held as a requirement of any other state permit or approval.

II. The committee may order the applicant to provide such additional public information sessions as are reasonable to inform the public of the proposed project.

III. Within 90 days after acceptance of an application for a certificate, the committee shall hold at least one public information session in each affected municipality.

IV. Subsequent public hearings shall be in the nature of adjudicative proceedings under RSA 541-A and shall be held in the affected municipality in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the committee. The committee shall give adequate public notice of the time and place of each subsequent hearing.

V. The committee shall adopt rules regarding the timing and method of notices for public information sessions and public hearings and the any other requirements regarding such sessions and hearings.

VI. The committee shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public prior to the closing of the record of the proceeding. The committee shall provide an opportunity at one or more public hearings for comments from the governing body of each affected municipality and residents of each affected municipality. The committee shall consider, as appropriate, prior committee findings and rulings on the same or similar subject matters, but shall not be bound thereby.

VII. The solid waste evaluation committee shall require from the applicant whatever information

it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

VIII. The committee and counsel for the public shall conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant or certificate holder in such amount as may be approved by the committee. The committee and counsel for the public are further authorized to assess the applicant or certificate holder for all travel and related expenses associated with the processing of an application or other proceedings under this chapter.

IX. Times for conducting public hearings and rendering a decision on the application may be extended for good cause upon written request of the applicant.

#### 149-M:77 Judicial Review. –

Decisions made pursuant to this chapter shall be appealed in accordance with RSA 541.

#### 149-M:78 Monitoring and Enforcement. –

I. The department shall monitor the construction and operation of any major solid waste disposal facility granted a certificate under this chapter, after all other subsequent approvals are obtained, to ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With the exception of the authority retained by the state agencies in accordance with paragraph V, the department may delegate the authority to monitor the construction or operation of any major solid waste disposal facility granted a certificate under this chapter to such state agency or official as it deems appropriate but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the department shall have a right of entry onto the premises of any part of the solid waste generation facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

II. Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the department shall notify the committee, which may suspend the person's certificate. In addition to suspension, if, after 15 days of receipt of the order, the person has failed or neglected to terminate the violation, the committee may impose a fine not to exceed \$5,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the committee shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.

III. In addition to other remedies provided in this chapter, upon petition of the department, the committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application, or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has

violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

IV. Upon petition of the department, the committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

V. Notwithstanding any other provision of this chapter, each state agency having permitting or other regulatory authority shall retain all of its powers and duties of enforcement.

VI. The full amount of costs and expenses incurred by the department and committee in connection with any enforcement action against a person holding a certificate, in which the person is determined to have violated any provision of this chapter, any rule adopted by the department or committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the solid waste evaluation committee fund established in RSA 149-M:84.

VII. The department may adopt rules in furtherance of its monitoring and enforcement responsibilities under this chapter.

#### 149-M:79 Records. –

Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. Committee records regarding pending applications for a certificate shall also be made available on a website.

#### 149-M:80 Temporary Suspension of Deliberations. –

If the committee, at any time while an application for a certificate is before it, deems it to be in the public interest, it may temporarily suspend its deliberations and timeframes established under this chapter.

#### 149-M-81 Findings and Certificate Issuance. –

I. Any certificate issued by the committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the committee.

II. The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.

III. After due consideration of all relevant information regarding the potential siting, including potential significant impacts and benefits, the committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) To the extent not already addressed in a permit decision by the department, the applicant has adequate financial, technical, and managerial capability to assure construction, operation, and closure of the facility in continuing compliance with the terms and conditions of the certificate.

(b) The facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions

and municipal governing bodies.

(c) The benefits of the facility to the region shall outweigh any adverse impact of the facility on aesthetics, historic preservation, economic impacts to the region, tourism, regional and statewide business development, and existing land uses, including property values.

(d) Issuance of a certificate will serve the public interest of the citizens of New Hampshire.

IV. The committee shall issue an order granting or denying a certificate. Such order shall summarize and address issues of concern expressed during public information sessions and hearings to ensure that the public's voice has been heard and recorded.

V. A certificate of site and facility may contain such reasonable terms and conditions, including, but not limited to the authority to require bonding, as the committee deems necessary. Such certificates, when issued, shall be final and subject only to judicial review.

VI. The committee shall condition the certificate upon the results of applicable federal and state approvals or appeal processes and required federal and state agency studies whose study period exceeds the application period.

#### 149-M:82 Penalties. –

I. Any construction or operation of major solid waste disposal facilities without first obtaining a certificate from the committee, or any material violation of the terms and conditions of a certificate issued by the committee, shall be subject to a civil penalty not to exceed \$10,000 for each violation or for each day of a continuing violation. Such violation may also be enjoined by the superior court upon application of the attorney general.

II. Whoever purposely or knowingly commits any violation of any provision of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

#### 149-M:83 Severability. –

If any provision of this chapter, or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this chapter are severable.

#### 149-M:84 Fund Established; Funding Plan. –

There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the solid waste evaluation committee fund. All application and other filing fees received by the committee under this chapter shall be deposited in the fund. All moneys in the fund shall be continually appropriated to the committee and shall be used to pay for operating costs of the committee and the partial salary of the administrator. If the administrator position is vacant, the fund may be used to pay an independent contractor to perform those duties. In the event lawful expenditures of the committee and department in a fiscal year are greater than the total fees and charges held in the solid waste evaluation committee fund, the chairperson of the committee may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated.

Notwithstanding any other provision of law, the committee may engage the department for additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or major solid waste disposal facility owner.

149-M:85 Compensation and Reimbursement. –

I. The public members of the committee shall be compensated for all time spent on committee business, including compensation and reimbursement for major solid waste disposal facility proceeding time and expenses. Compensation shall be provided on a pro rata basis, based upon the daily salary rate of an unclassified position at the initial step in grade FF under RSA 94:1-a, I(a).

II. State agencies represented on the committee shall be reimbursed for major solid waste disposal facility proceeding time and expenses incurred by their respective members or designees, except that time spent for the first 5 full days of their participation with respect to any application or other proceeding concerning a major solid waste disposal facility shall not be subject to reimbursement. The rate of reimbursement to each respective agency shall be based on a pro rata share of the employee's salary, benefits, and related costs.

III. The department of justice shall be reimbursed in the same manner as described in paragraph II for major solid waste disposal facility proceeding time and expenses that are incurred by the counsel for the public.

IV. All persons or agencies seeking compensation or reimbursement under this section shall keep detailed time and expense records which shall be submitted to the chairperson or administrator and used to determine the amount of compensation or reimbursement. The chairperson or administrator shall develop a recordkeeping system and accounting and payment procedures.

149-M:86 Solid Waste Permit Applications Suspended –

The department shall not issue any permit approvals for major solid waste facilities until rules are adopted by the committee or for one year after the effective date of this section, whichever is later.

## **5. Education Freedom Accounts – Education freedom for all public school students**

Education Freedom Account Program; Definitions; Eligible Students. RSA 194-F:1, VI is repealed and reenacted to read as follows:

VI. "Eligible student" means any student that is eligible to enroll in a public elementary or secondary school pursuant to RSA 189:1-a, is a New Hampshire resident under the provisions of 193:12, and meets one or more of the following conditions:

(a) Income eligibility. Any student whose annual household income at the time the student applies for the program is less than or equal to 350 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). No income threshold need be met in subsequent years, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

(b) Universal access. Any student full-time enrolled in a district or a chartered public school in grades kindergarten through 12 for the preceding academic year from the first day to last day of the school year as reported to the department.

Effective date. Section 1 shall take effect July 1, 2026.



## 6. Connecticut Lakes Headwaters Working Forest – Commonsense recreation access

New Section; Connecticut Lakes Headwaters Working Forest; OHRV Trails Closure Date.

Amend RSA 215-A by inserting after section 215-A:3-b the following new section:

215-A:3-c Connecticut Lakes Headway Working Forest OHRV Trail Annual Closure Date.

Notwithstanding any provision of law or advisory opinion to the contrary, all OHRV trails on the Connecticut Lakes headwaters working forest property shall remain open until the second Monday in October, which is Columbus Day.

Effective Date. This section shall take effect upon its passage.

## 7. Group II pension reform – Delivering for those who protect us

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

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

2 Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

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

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

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

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

~~[(3)]~~ (2) Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.

~~[(4)]~~ (3) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any

compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees[,] **and** teachers[, ~~permanent firemen, and permanent policemen~~] who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

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

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

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

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

3 Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

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

***(b) For group II members who attained vested status prior to September 1, 2013, the average annual earnable compensation shall be calculated based on the member's highest 3 years of creditable service, or during all years of creditable service if less than 3 years.***

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

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

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

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

II. Group II Members.

(a) Any group II member in service, who is in vested status before ~~January 1, [2012]~~ ***September 1, 2013***, who has attained age 45 and completed 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members who have not attained vested status prior to ~~January 1, [2012]~~ ***September 1, 2013*** as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of

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

5 Group II Service Retirement Benefits. Amend RSA 100-A:5, II(b)(2) to read as follows:

(2) For members who are in vested status before ~~January 1, [2012]~~ **September 1, 2013**, a state annuity which, together with his or her member annuity, shall be equal to 2-1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years, and group II members who have not attained vested status prior to ~~January 1, [2012]~~ **September 1, 2013** shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of the limits under RSA 100-A:6-a, but only for group II members in service who have attained age 60 regardless of the number of years of creditable service, or who work up to their full age and service requirements and retire under service retirement. If a member retires prior to reaching full age and service requirements, then their annuity multiplier remains the same as their first 15 years of creditable service.

6 Group II Service Retirement Benefits. Amend RSA 100-A:5, II(c)(1) to read as follows:

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

7 Group II Service Retirement Benefits. Amend RSA 100-A:5, II(d) to read as follows:

(d) Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to ~~January 1, 2012~~ **September 1, 2013** shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and for the first 15 years of creditable service, the multiplier used to calculate the retirement annuity [~~which shall be applicable on, or after January 1, 2012~~] according to the following table:

Creditable service on Minimum years Minimum Annuity  
January 1, 2012 of service age attained multiplier

~~(1) Less than 4 years 24 age 49 2.1%~~

~~(2) At least 4 years 23 age 48 2.2%~~

~~but less than 6 years~~

~~(3) At least 6 years but 22 age 47 2.3%~~

~~less than 8 years~~

~~(4) At least 8 years but 21 age 46 2.4%~~

~~less than 10 years]~~

**(1) Less than 1 year 24 age 49 2.1%\***

**(2) At least 1 year 24 age 49 2.1%\***

**but less than 2 years**

**(3) At least 2 years but 24 age 49 2.1%\***

**less than 3 years**

**(4) At least 3 years but 24 age 49 2.1%\***

**less than 4 years**

**(5) At least 4 years 23 age 48 2.2%\***

**but less than 5 years**

**(6) At least 5 years 23 age 48 2.2%\***

**but less than 6 years**

**(7) At least 6 years but 22 age 47 2.3%\***

**less than 7 years**

**(8) At least 7 years but 22 age 47 2.3%\***

**less than 8 years**

**(9) At least 8 years but 21 age 46 2.4%\***

**less than 9 years**

\* The annuity multiplier applied to creditable service earned beyond 15 years of creditable service, shall be 2.5 percent, but only for group II members in service who have attained age 60 regardless of the number of years of creditable service, or who work up to their full age and service requirements and retire under service retirement. If a member retires prior to reaching full age and service requirements, then their annuity multiplier remains the same as their first 15 years of creditable service.

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

9 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSAs by replacing "September 1, 2013" with "January 1, 2014": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d; 100-A:5, II (d).

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

11 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSAs by replacing "January 1, 2015" with "January 1, 2016": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

12 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSAs by replacing "January 1, 2016" with "January 1, 2017": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

13 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSAs by replacing "January 1, 2017" with "January 1, 2018": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-



A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

14 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSAs by replacing "January 1, 2018" with "January 1, 2019": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

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

16 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSAs by replacing "January 1, 2020" with "January 1, 2021": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

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

VIII. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II who is in vested status before January 1, 2012, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 52.5 years of age~~[-, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)].~~

18 Definitions. Amend RSA 100-A:1, XVII(d)(1) to read as follows:

(d)(1) For group II members ~~[who have not attained vested status prior to January 1, 2021]~~ **who commenced service on or after July 1, 2011**, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include, as applicable and subject to subparagraphs (2) and (3), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to or on behalf of the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation that is not part of the contracted annual salary.

19 Definitions. Amend RSA 100-A:1, XXXVII(b)(1) through (3) to read as follows:

(b)(1) For a group II member who is ~~[in vested status before January 1, 2012]~~ **who commenced service prior to July 1, 2011**, the later of the date that the member has both attained age 45 and completed 20 years of creditable service; **or**

(2) For a group II member who commenced service on or after July 1, 2011, the later of the date that the member has both attained age 52.5 and completed 25 years of creditable service.~~[-]~~

~~[(3) For a group II member who commenced service prior to July 1, 2011, and who has not attained vested status prior to January 1, 2012, as provided in the transition provisions in RSA 100-A:5, H(d); or]~~

20 Service Retirement Benefits. Amend RSA 100-A:5, II(a) to read as follows:

(a) Any group II member in service, ~~[who is in vested status before January 1, 2021]~~ **who commenced service prior to July 1, 2011**, who has attained age 45 and completed 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of creditable service~~[-, and group II members who have not attained vested status prior to January 1, 2021, as provided in the transition provisions in RSA 100-A:5, H(d)]~~, or any group II member in service who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be

reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

21 Service Retirement Benefits. Amend RSA 100-A:5, II(b)(2) to read as follows:

(2) For members ~~[who are in vested status before January 1, 2021]~~ ***who commenced service prior to July 1, 2011***, a state annuity which, together with his or her member annuity, shall be equal to 2- 1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years~~[- and group II members who have not attained vested status prior to January 1, 2021 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years].~~

22 Service Retirement Benefits. Amend RSA 100-A:5, II(c)(1) to read as follows:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who ~~[is in vested status before January 1, 2021 and]~~ ***commenced service prior to July 1, 2011***, has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, ~~[and group II members who have not attained vested status prior to January 1, 2021 who qualify as provided in the transition provisions in RSA 100-A:5, II(d),]~~ shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

23 Disability Retirement Benefits. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her ordinary disability retirement; and a state annuity which, together with his or her member annuity, for members who ~~[are in vested status before January 1, 2012]~~ ***commenced service before July 1, 2011***, shall be equal to 2 1/2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 40 at the time of ordinary disability retirement, or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess

of 42.5 at the time of ordinary disability retirement, ~~[and group II members who have not attained vested status prior to January 1, 2012, shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of the limits under RSA 100-A:6 as provided]~~, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his or her disability retirement. Members who retire upon ordinary disability or qualify for accidental death benefits as outlined in RSA 100-A:8 shall not be subject to the full age and service requirements listed under RSA 100-A:5, II(d).

24 Disability Retirement Benefits. Amend RSA 100-A:6, II(d)(1) through (3) to read as follows:

(1) For members ~~[who are in vested status before January 1, 2021]~~ ***who commenced service before July 1, 2011***, any group II member who has more than 26 $\frac{2}{3}$  years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 21 $\frac{1}{2}$  percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 26 $\frac{2}{3}$  but not in excess of 40 years.

(2) For members who commenced service on or after July 1, 2011, any group II member who has more than 33 $\frac{1}{3}$  years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33 $\frac{1}{3}$  but not in excess of 42.5 years.

~~[(3) For group II members who have not attained vested status prior to January 1, 2012, calculation of the supplemental allowance shall use the percentage multipliers for the corresponding years of creditable service on January 1, 2012 in the transition provisions in RSA 100-A:5, II(d) with the range for the number of excess years for the supplement adjusted proportionally.]~~

25 Vested Deferred Retirement Benefit. Amend RSA 100-A:10, II(b) to read as follows:

(b) For members ~~[who are in vested status before January 1, 2021]~~ ***who commenced service before July 1, 2011***, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, ~~[and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d),]~~ or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based

on the member's average final compensation and creditable service at the time the member's service is terminated. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

26 Method of Financing. Amend RSA 100-A:16, I(aa) to read as follows:

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members who are in vested status before January 1, 2012 with creditable service in excess of 40 years, and group II members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ~~[who is in vested status before January 1, 2021]~~ **who commenced service prior to July 1, 2011** with creditable service in excess of 40 years, and any group II member who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

27 Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member ~~[who is in vested status before January 1, 2021]~~ **who commenced service prior to July 1, 2011** and, who has completed 20 or more years of combined creditable service, one year

shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) For a member who commenced service on or after July 1, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years, and provided that a the member shall not be eligible to receive a retirement allowance until attaining the age of 52.5.

~~[(e) For members who have not attained vested status prior to January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.]~~

28 Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ~~[for members who are in vested status with group II service before January 1, 2012]~~ **for members who commenced service before July 1, 2011** or at least 50 for members who commenced group II service on or after July 1, 2011, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d), and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

29 Funding; Appropriations. The sum of \$27,500,000 per state fiscal year is hereby appropriated to the retirement system to fund the cost of benefits under this act. Such sums shall be transferred on July 1 each year until 2034. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

30 Repeal. RSA 100-A:5, II(d)(9), relative to group II service retirement benefits.

31 Repeal. RSA 100-A:5, II(d)(8), relative to group II service retirement benefits.

32 Repeal. RSA 100-A:5, II(d)(7), relative to group II service retirement benefits.

33 Repeal. RSA 100-A:5, II(d)(6), relative to group II service retirement benefits.

34 Repeal. RSA 100-A:5, II(d)(5), relative to group II service retirement benefits.

35 Repeal. RSA 100-A:5, II(d)(4), relative to group II service retirement benefits.

- 36 Repeal. RSA 100-A:5, II(d)(3), relative to group II service retirement benefits.
- 37 Repeal. RSA 100-A:5, II(d)(2), relative to group II service retirement benefits.
- 39 Repeal. RSA 100-A:5, II(d), relative to group II service retirement benefits.
- 40 Repeal. RSA 100-A:1, XXXVII(d)(1) relative to group II service retirement definition.

**41 Effective Date.**

- I. Sections 9 and 30 of this act shall take effect January 1, 2026.
- II. Sections 10 and 31 of this act shall take effect January 1, 2027.
- III. Sections 11 and 32 of this act shall take effect January 1, 2028.
- IV. Sections 12 and 33 of this act shall take effect January 1, 2029.
- V. Sections 13 and 34 of this act shall take effect January 1, 2030.
- VI. Sections 14 and 35 of this act shall take effect January 1, 2031.
- VII. Sections 15 and 36 of this act shall take effect January 1, 2032.
- VIII. Sections 16 and 37 of this act shall take effect January 1, 2033.
- IX. Sections 17 through 28, and 38 of this act shall take effect January 1, 2034.
- X. The remainder of this act shall take effect 60 days after its passage.

**8. Delivering funding for the Education Trust Fund and Group II pension reform**

0 Findings. The general court and governor find that if Video Lottery Terminals are to be authorized in New Hampshire the revenues generated for the state shall be divided between the Education Trust Fund and the General Fund for (1) use in funding Group II retirement reforms to improve recruitment and retention for our law enforcement and first responders and, (2) if there any additional funds, funding the Department of Safety.

1 State Lottery and Gaming Commission. Amend RSA 284:21-a to read as follows:

284:21-a State Lottery *and Gaming* Commission. There shall be and hereby is created a state lottery *and gaming* commission consisting of 3 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. One member shall be appointed for one year, one for 2 years and one for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. No member of the commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any licensee licensed under the provisions of this chapter. *The commission shall be properly addressed as the “New Hampshire lottery and gaming commission” but all statutory and regulatory references to “lottery commission” shall remain valid and shall be used synonymously.*

2 Definitions. Amend RSA 287-D:1, XII to read as follows:

XII. *“Video Lottery Terminal” or “VLT” means any device which, upon payment of bills, coins or vouchers, is available to play or operate and may entitle the patron to receive cash, vouchers, or electronic credits redeemable for cash. The results, including options available to the patron, are randomly determined by the device. A device may use spinning reels or video displays or both. This definition does not include any device that sells lottery tickets, pari-mutuel wagers,*

*nor any device which is operated through, utilizes, or is played on or with assistance from the Internet.*

**XIII.** "Wager" means a monetary agreement between 2 or more persons that a sum of money or other valuable thing shall be paid to one of them on the happening or not happening of an uncertain event. Wager may be used synonymously with the term "bet."

3 Rulemaking. Amend RSA 287-D:3, XVII to read as follows:

**XVII. *The licensing and enforcement of VLT licensees, terminals, and compliance requirements under RSA 287-J.***

**XVIII.** Other matters related to the proper administration of this chapter.

4 New Chapter; Video Lottery Terminals. Amend RSA by inserting after chapter 287-I the following new chapter:

## CHAPTER 287-J VIDEO LOTTERY TERMINALS

287-J:1 Definitions.

For the purposes of this chapter these words shall have the following meaning:

I. "Applicant" means an individual or entity applying for a license under this chapter.

II. "Commission" means the lottery and gaming commission.

III. "Gross video lottery revenue" means the total of all sums actually received by a VLT licensee from operation of video lottery terminals, minus the total of all sums actually paid out as winnings to patrons.

IV. "Facility" means a facility licensed under RSA 287-D for the conduct of charitable gaming.

V. "Video lottery terminal" or "VLT" means any device which, upon payment of bills, coins or vouchers, is available to play or operate and may entitle the patron to receive cash, vouchers, or electronic credits redeemable for cash. The results, including options available to the patron, are randomly determined by the device. A device may use spinning reels or video displays or both. This definition does not include any device that sells lottery tickets, pari-mutuel wagers, nor any device which is operated through, utilizes, or is played on or with assistance from the Internet.

VI. "VLT license" means a license issued in accordance with this section, to offer video lottery terminals to the public.

VII. "VLT licensee" means a game operator employer licensee that has been granted a VLT license under this section.

VIII. "Voucher" means a printed wagering instrument, issued by a video lottery terminal at a facility, that has a fixed dollar wagering value which can only be used to acquire an equivalent value of cashable credits or cash.

287-J:2 Enforcement. The commission, with the assistance of the attorney general and the chief of police of any city or town where licensed facilities are located, shall administer and enforce the provisions of this chapter. To enforce the requirements of this chapter, the commission may exercise all rights of enforcement, including but not limited to its subpoena power, investigation authority, and authority to issue administrative orders and fines, granted to the commission by RSA 287-D.

287-J:3 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for VLT licenses for game operators.



- II. Information to be required on VLT license applications for VLT licenses for game operators.
- III. The conducting and operation of video lottery terminals.
- IV. Accountability controls to ensure game integrity, including, but not limited to, cash, prizes, income, expense and financial reporting, and recordkeeping to be implemented by VLT licensees in addition to requirements set forth in RSA 287-D:22.
- V. Investigation and enforcement to ensure compliance with this chapter.
- VI. Other matters related to the proper administration of this chapter.

#### 287-J:4 Eligible Operators.

- I. To be eligible for a VLT license, the applicant must have been licensed or eligible for licensure to sell pari-mutuel pools on historic horse races under RSA 287-D and under RSA 284:22-b as of the effective date of this chapter. A license shall not be permitted to be transferred or sold.
- II. Applicants eligible to obtain a VLT license pursuant to paragraph I of this section shall submit to background, financial, and suitability checks pursuant to RSA 287-D:11 and RSA 287-D:12, to ensure the applicant's ability to conduct video lottery terminals in accordance with the provisions of RSA 287-D and this chapter. The applicant for a VLT license shall submit to the commission a criminal history records release form, as provided by the division of state police, which authorizes the division of state police to conduct a criminal history records check through its state records and through the Federal Bureau of Investigation and to release a report of the applicant's criminal history and record information, including confidential criminal history record information, to the commission.

#### 287-J:5 Operation of Video Lottery Terminals.

- I. Prior to use all VLTs must have been tested by an independent testing laboratory and approved by the commission to ensure integrity and proper working order.
- II. VLTs shall not accept a wager in excess of \$25.
- III. No VLT shall be operated except within the facility of an eligible VLT licensee during the facility's approved hours of play of charitable games.
- IV. VLTs shall operate to ensure a minimum average daily aggregate payback of 88 percent computed for all VLTs operated at each facility on a quarterly basis.
- V. VLTs shall operate pursuant to any other such characteristics as the commission may establish by rule to safeguard the integrity of gaming in New Hampshire.

#### 287-J:6 Revenue Share.

- I. Each Video Lottery Terminal licensee shall collect a sum equal to 45 percent of gross video lottery revenue for distribution under paragraph II.
- II.(a) Each licensee shall distribute 35 percent of the amount collected under paragraph I to charitable organizations with whom the licensee contracts on each licensed game date. Each VLT licensee must contract with 2 licensed charitable organizations for each game date.
- (b) The remainder of the total amount collected by the licensee under paragraph I shall be paid to the commission and distributed as follows:
  - (1) 50 percent for deposit in the education trust fund established by RSA 198:39; and
  - (2) 50 percent for deposit in the general fund.

#### 287-J:7 Unclaimed Vouchers.

- I. Vouchers shall remain valid for 180 days from the date printed, after which the obligation of the VLT licensee to pay the patron any value remaining on a voucher expires.
- II. Before the end of each calendar month, the VLT licensee shall report and remit the total value of vouchers that expired during the preceding calendar month in a format prescribed by the commission.

III. Such moneys shall become a part of the special fund established in RSA 284:21-j.

## 9. Northern Shield – Resources to protect the North Country from drug trafficking

Granite Shield; Northern Shield. Notwithstanding any other provision of law, the sums of \$500,000 for the fiscal year ending June 30, 2026, and \$500,000 for the fiscal year ending June 30, 2027, which have been appropriated in HB1 to the department of safety, shall be paid from the opioid abatement trust fund established under RSA 126-A:83, for the purpose of funding overtime costs for county and local law enforcement officers in Coos, Grafton, Carroll, and Sullivan counties performing law enforcement activities attributable to the substance abuse enforcement program established in RSA 21-P:66 and that support efforts to prevent or reduce overdose deaths and other opioid related harms.

## 10. Board of Tax and Land Appeals

Board of Tax and Land Appeals; Staff. Amend RSA 71-B:14 to read:

RSA 71-B:14 Staff. – ~~The board shall have upon its staff at least one review appraiser who shall be a classified state employee and who shall be competent to review the value of property for tax and eminent domain purposes. In addition, t~~The board shall have such clerical and technical staff as may be necessary within the limits of appropriation made therefor.

Board of Tax and Land Appeals; Clerk; Staff. Amend RSA 498-A:15 to read:

RSA 498-A:15 Clerk; Staff. – ~~The board shall have a clerk who shall be appointed by the board and who shall be a classified state employee.~~ In the exercise of the authority and performance of the duties prescribed by law, the board shall have the authority, within the limits of the appropriation for such purposes, to employ such other staff as it shall deem necessary.

Board of Tax and Land Appeals; Offices; Hearings. Amend RSA 498-A:16 to read:

RSA 498-A:16 Offices; Hearings. – The board shall be provided with suitable office space in Concord, together with such furnishings and office equipment as shall be necessary for the administration of its business-, ***and with a suitable room in which it may hold hearings. Any party may elect to participate in a just compensation hearing under 498-A:24 though electronic or telephonic means consistent with RSA Ch. 91-A.*** All hearings before the board shall be open to the public, ~~and each hearing shall be held in the county in which the declaration has been filed unless the parties agree to a hearing elsewhere. To the extent of available space, hearings shall be conducted in the respective county courthouse; otherwise, they shall be held in such place or places, accessible to the public, as the board shall direct.~~

## 11. Department of Business and Economic Affairs

Appropriations; Housing Champion Designation and Grant Program Fund. Amend CHAPTER 79 HB 2-FN-A Laws of 2023, 49:466, I to read:

79:466 Appropriations; Housing Champion Designation and Grant Program Fund. I. The sum of \$5,000,000 for the fiscal year ending June 30, 2023, which shall not lapse until June 30, 2025 2026, is hereby appropriated to the New Hampshire housing champion designation and grant program fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Office of Planning and Development. Amend RSA 12-O:53 to read as follows:

Section: 12-O:53 ~~Office of Planning and Development~~ ***Division of Planning and Community Development - There is established within the department the Division of Planning and Community Development under the supervision of a classified director of planning and community development who shall administer and supervise the programs related to planning and development, broadband and housing within the department and who shall serve under the supervision of the commissioner of the department.***

***Effective July 1, 2025***

Office of Planning and Development; Office of Planning and Development. Amend RSA 12-O by inserting after RSA 12-O:53 the following new section:

Section: 12-O:53-a Office of Planning and Development

I. There is established the office of planning and development within the department of business and economic affairs. The office of shall be under the supervision of a classified director of the Division of Planning and Community Development, who shall serve under the supervision of the commissioner.

II. The office of planning and development shall:

- (a) Plan for the orderly development of the state and the wise management of the state's resources.
- (b) Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.
- (c) Encourage and assist planning, growth management, and development activities of cities and towns and groups of cities and towns with the purpose of encouraging smart growth.
- (d) Encourage the coordination and correlation of state planning by agencies of state government.
- (e) Participate in interstate, regional, and national planning efforts.
- (f) Administer federal and state grant-in-aid programs assigned to the office by statute or executive order.
- (g) Participate and advise in matters of land use planning regarding water resources and floodplain management.
- (h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.
- (i) Administer the following programs: the statewide comprehensive outdoor recreation plan, the national flood insurance program, and the land conservation investment program. The office shall employ necessary personnel to administer these programs.
- (j) Perform such other duties as the commissioner may assign.

Office of Planning and Development; State Development Plan. Amend RSA 12-O:54, I to read as follows:

**12-O:54 State Development Plan. –**

I. The office of planning and development, under the direction of the ~~commissioner~~, ***director of the Division of Planning and Community Development*** shall:

- (a) Assist ~~the commissioner~~ in preparing, publishing, and revising the comprehensive development plan required under RSA 9-A.
- (b) Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.
- (c) Coordinate and monitor the planning efforts of the regional planning commissions to ensure that the plans published by the commissions are consistent, to the extent practical, with the policies and priorities established in the state development plan.

Office of Planning and Development; Program Established. Amend RSA 12-O:57 to read as follows:

**12-O:57 Program Established. –** The director of the ~~office of planning and development~~ ***Division of Planning and Community Development*** shall establish a program of regional and municipal assistance within the office of planning and development. This program shall coordinate state, regional, and local planning efforts with the goal of assuring delivery of efficient and effective assistance to local governments in areas related to growth management and resource protection.

State Development Plan; Office of Planning and Development. Amend RSA 9-A:2 to read as follows:

**9-A:2 Office of Planning and Development. –**

The office of planning and development, under the direction of the ~~commissioner of business and economic affairs~~, ***director of the Division of Planning and Community Development*** shall:

- I. Assist ~~the commissioner~~ in preparing, publishing and revising the comprehensive development plan.
- II. Develop and maintain a technical data base of information to support statewide policy development and planning.
- III. Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.
- IV. Coordinate and monitor the planning efforts of the regional planning commissions.

New Hampshire Workforce Development; State Workforce Innovation Fund. Amend RSA 12-O:45 to read as follows:

**12-O:45 State Workforce Innovation Fund. –**

I. There is hereby established the state workforce innovation fund which shall be nonlapsing and administered by the commissioner of the department of business and economic affairs. Said fund

shall be for the purpose of receiving financial assistance under the ~~Workforce Investment Act of 1998~~ ***the Workforce Innovation and Opportunity Act of 2014*** and providing funds for grants and other workforce development initiatives.

II. The fund shall be distributed or expended by the commissioner after consultation with the State Workforce Innovation Board established in RSA 12-O:44 and the approval of the governor and council for any of the following purposes:

(a) ~~Workforce Investment Act~~ ***Workforce Innovation and Opportunity Act of 2014*** Adult and Dislocated Worker programs.

(b) ~~Workforce Investment Act~~ ***Workforce Innovation and Opportunity Act of 2014*** Youth programs.

(c) ~~Workforce Investment Act~~ ***U.S. Department of Labor***, Senior Community Service Employment programs.

(d) ~~Workforce Investment Act~~ ***U.S. Department of Labor*** Disability programs.

(e) ~~Workforce Investment Act~~ ***U.S. Department of Labor*** Regional Innovation and National Emergency grant programs.

(f) Other projects, programs, or grants recognized as being beneficial to workforce development initiatives and consistent with the goals of the ~~Workforce Investment Act~~ ***the Workforce Innovation and Opportunity Act of 2014***.

III. (a) The department may accept gifts, grants, donations, or other moneys for the purposes of this section. Said moneys shall be deposited into the state workforce innovation fund.

(b) The commissioner may enter into contracts and agreements and may take other actions that may be necessary or desirable to effect the transfer to it of operations currently conducted by the ~~Workforce Opportunity Council, Inc. or the New Hampshire Workforce Opportunity Council under the Workforce Investment Act~~ ***the Department of Business and Economic Affairs***, and to effect the transfer of assets utilized by them in doing so; and, the commissioner may assume, bear, and agree to perform those contracts of the ~~Workforce Opportunity Council, Inc. or the New Hampshire Workforce Opportunity Council~~ ***the State Workforce Innovation Board*** that may be necessary or desirable for carrying out the purposes of this section.

IV. The commissioner of the department of business and economic affairs shall have the authority to enter into such agreements for leasing real property, acquiring goods, and engaging services to perform Rapid Response activities in accordance with this subdivision. The commissioner shall provide the governor and council an information item not less frequently than semi-annually describing all such agreements and amounts expended pursuant thereto. Such agreements shall be made pursuant to forms of agreement that shall be approved by governor and council which forms of agreement have been reviewed by the attorney general and the commissioner of the department of administrative services.

~~V. In accordance with RSA 282-A:181 through RSA 282-A:184, the commissioner of the department of employment security shall have the authority to make grants to New Hampshire employers for the purpose of training employees in accordance with this chapter, such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant year the sum of \$70,000, unless first approved by governor and council. The commissioner shall provide the governor and council an information item not less frequently than semi-annually describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a form of agreement that shall be approved by governor and council after review by the attorney general and the commissioner of the department of administrative services.~~

Unemployment Compensation; Job Training Program. Amend RSA 282-A by inserting after RSA 282-A:184 the following section:

Section: 282-A:185 State Workforce Innovation Grants. In accordance with RSA 282-A:181 through RSA 282-A:184, the commissioner of the department of employment security shall have the authority to make grants to New Hampshire employers for the purpose of training employees in accordance with RSA 12-O:45, such grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single employer in any grant year the sum of \$70,000, unless first approved by governor and council. The commissioner shall provide the governor and council an information item not less frequently than semi-annually describing all such grants expended pursuant thereto. Such grants shall be made pursuant to a form of agreement that shall be approved by governor and council after review by the attorney general and the commissioner of the department of administrative services.

## 12. Commission on Aging

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

IV. The members appointed pursuant to subparagraph II(j) shall serve ~~2-year terms~~ **3-year terms effective for appointments made after July 1, 2025**; 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. A majority of the members shall constitute a quorum.

## 13. Community College System of New Hampshire

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 4 dual or concurrent enrollment courses, **up to 4 credits per course**, taken in grade 10, no more than 4 dual or concurrent enrollment courses, **up to 4 credits per course**, taken in grade 11, and no more than 4 dual or concurrent enrollment courses, **up to 4 credits per course**, taken in grade 12. A student may take more than 4 dual or concurrent enrollment courses per year at his or her own expense.

## 14. Department of Corrections

Department of Corrections; The following classes within the department of corrections shall be exempt from the transfer restrictions in RSA 9:17a, 9:17c, 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 quarterly these transfers are reported to the fiscal committee within 60 days of the end of that quarter. In the event Class 18 overtime expenditures are more than amounts appropriated and transferred from vacant positions, the commissioner may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding. Upon fiscal committee and governor and council approval, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

Department of Corrections; Amend RSA 21-H:7 to read as follows:

- I. The commissioner, assistant commissioner, ~~director of personnel and information, director of rehabilitative services,~~ and the division directors, ***deputy warden and deputy 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, ***deputy warden and deputy directors*** of the department shall be as specified in RSA 94:1-a.

Department of Corrections; Amend RSA 622:26 to read as follows:

An industries inventory account shall be maintained to enable the state prisons to implement RSA 622:26- 28. ~~Except for~~ ***All*** permanent personnel, all operating expenses, materials, supplies, overtime and purchase and repair of equipment determined to be necessary for the growing or manufacture of products for resale shall be a proper charge against this account. Charges for the sale of goods and services produced by the industries program shall be sufficient to defray the expenditures charged against this account and any sums obtained therefrom shall be a credit to the account.

## 15. Department of Health and Human Services

Department of Health and Human Services; State Grant in Aid.

Notwithstanding any other law to the contrary, there is hereby appropriated to the department of health and human services the sums of \$5,000,000 for the state fiscal year ending June 30, 2026, and \$5,000,000 for the state fiscal year ending June 30, 2027, from the opioid abatement trust fund, established under RSA 126-A:83, for the purpose of providing year-round emergency shelter services to individuals with an opioid and/or co-occurring substance use or mental health disorder. Such shelter programs must provide supportive services designed to assist people obtain recovery and permanent housing to achieve self-sufficiency.

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, as amended by 2021, 91:27, and as amended by 2023, 79:215, to read as follows:

IV. Section 10 of this act shall take effect June 30, ~~[2025]~~ **2027**.

**Effective Date. June 30, 2025**

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, as amended by 2023, 79:198, to read as follows:

I. Section 5 of this act shall take effect July 1, ~~[2025]~~ **2027**.

**Effective Date. July 1, 2025**

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, 2027. 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, 2027.

**Effective Date. July 1, 2025**

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, 2027.

**Effective Date. July 1, 2025**

Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding.

For the biennium ending June 30, 2027, 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.

**Effective Date. July 1, 2025**

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, 2025, shall not lapse until June 30, 2027, 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.

**Effective Date. June 30, 2025**

Appropriation; WIC Farmers' Market Nutrition Program. Amend 2023, 79:562 VII to read as follows:

79:562 Appropriation; WIC Farmers' Market Nutrition Program. There is hereby appropriated to the department of health and human services the sum of \$600,000 for the biennium ending June 30, 2023, which shall not lapse until June 30, [2025] **2027**, for the purpose of funding the WIC Farmers' Market Nutrition Program in RSA 132:12-f. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

**Effective Date. June 30, 2025**

New Paragraph; Gifts to the State. Amend RSA 4:8 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraph I, the commissioner of the department of health and human services may accept gifts of personal property valued at \$1,000 or less for the benefit of New Hampshire hospital, Hampstead hospital residential treatment facility, Glencliff home, and the New Hampshire youth development center.

**Effective Date. July 1, 2025**

Department of Health and Human Services; Unclassified Positions Established.

- I. There is hereby established two unclassified supervising regional attorney positions in the department of health and human services.
- II. The salary of the unclassified positions established in paragraph I shall be in accordance RSA 94:1-a, I.
- III. The incumbents in the classified positions, establish by Chapter 377, Section 8, Laws of 2024, shall be offered the opportunity to transfer into the unclassified positions established in paragraph I.

- IV. The classified positions established by Chapter 377, Section 8, Laws of 2024, shall be abolished on June 30, 2027, or upon transfer of the incumbents in accordance with paragraph III., whichever is sooner.

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 hereby suspended for the biennium ending June 30, 2027.

Department of Health and Human Services; Positions Established; Staffing. Amend RSA126-A:9, I introductory clause to read as follows:

I. There shall be established within the department the following unclassified positions [~~in addition to existing unclassified positions and positions established in paragraph II of this section~~].

Department of Health and Human Services; Positions Established; Staffing. Amend RSA126-A:9, II(b) to read as follows:

II. (b) The commissioner shall appoint a person to each **unclassified** position established [~~pursuant to subparagraph (a)~~] **authorized by the legislature**. Any [~~vacancy~~] **vacant position not established in paragraph I of this section** shall be filled in the same manner as the original appointment. The annual salary of such unclassified employees shall be as prescribed in RSA 94:1-a **RSA 94:3-b, II**. The provisions of RSA 21:33-a shall not apply to appointments made under this subparagraph.

Repeal. RSA 126-A:9, I(c), relative to appointment of an unclassified mental health medical supervisor, is repealed.

**Effective Date. July 1, 2025.**

Department of Health and Human Services; General Provisions. Amend RSA 126-A:3, V to read as follows:

V. Pharmacists shall substitute generically equivalent drug products for all legend and non-legend prescriptions paid for by the department of health and human services, [~~including the Medicaid program~~], unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting **or as otherwise authorized by law or regulation** and shall be retained [~~in the pharmacist's file~~] **by the pharmacy. Pertaining to Medicaid, pharmacists shall dispense brand name drug products to Medicaid beneficiaries when the brand name drug product is listed on the department's Medicaid preferred drug list, and not substitute generically equivalent drugs**. The provisions of paragraph III shall not apply to the dispensing by a pharmacy for medical assistance reimbursement for legend and non-legend drugs. The commissioner, in consultation with pharmacy providers, shall establish medical assistance reimbursement for legend and non-legend drugs. For Medicaid fee for service [~~clients~~] **beneficiaries**, no prior authorization **shall be**

*required for generic drug products unless the drug class is recommended by the drug utilization review board for clinical appropriateness and safety utilization review* [~~for generically equivalent drugs shall be required~~].

New Paragraph; Department of Health and Human Services; General Provisions. Amend RSA 126-A:3 by inserting after paragraph V the following new paragraph:

V-a. (a) When deemed medically necessary and cost effective by the department of health and human services' chief medical officer, a standing order may be issued by the chief medical officer for certain Medicaid covered over-the-counter (non-legend) medications, medical supplies, and laboratory tests. Such standing order shall be reviewed annually by the chief medical officer for continuation or discontinuation of the standing order.

(b) No health care professional, acting in good faith and with reasonable care, who issues a standing order, or who dispenses, or distributes over-the-counter (non-legend) medications, medical supplies, or laboratory tests by standing order shall be subject to any criminal or civil liability, or any professional disciplinary action, for any action authorized by this paragraph or any outcome resulting from an action authorized by this paragraph.

Appropriation; Developmental Services; Pilot Program. Amend 2022, 272:9, VII as amended by 2023, 79:548 to read as follows:

VII. There is hereby appropriated to the department of health and human services the sum of \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program plan or the pilot itself, for developmental services established in this section. This appropriation shall not lapse until June 30, [2025] **2027, to continue services for those enrolled.** Additionally, the department may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. [~~In the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot program, the department may allocate funding and provide services to additional eligible individuals~~]. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

**Effective Date. June 30, 2025**

Expanding Access to Court-appointed Counsel for Children in Dependency Proceedings; Effective Date. Amend 2024, 296:6 Effective Date to read as follows:

- I. Sections 3 and 5 of this act shall take effective August 1, [2026]**2028.**
- II. The remainder of this act shall take effect July 1, [2025]**2027.**

## 16. Department of Information Technology

Department of Information Technology; Amend RSA 94:1-a, I. (b) to read as follows:

GG Department of information technology director, *user services division*

GG Department of information technology director, *user experience division*

GG Department of information technology assistant director, ~~agency software division~~ *business relationship management division*

HH Department of information technology director, *business relationship management division*

HH Department of information technology director, *infrastructure and operations division*

## 17. Department of Justice

Department of Justice. Amend the following sections to read as follows:

7:8-b Division of Legal Counsel. –

[...]

II. The division of legal counsel shall consist of the following units:

(a) A bureau of civil law.

(b) ~~A transportation and construction bureau.~~ *A public safety and infrastructure bureau, as provided in RSA 21-M:12.*

(c) ~~An office of the solicitor general.~~ *A civil rights unit, which shall be responsible for enforcing the New Hampshire Law Against Discrimination, the New Hampshire Civil Rights Act, bringing civil enforcement actions on behalf of the public to redress discriminatory acts and civil rights violations, and enforcing any other state or federal antidiscrimination laws that authorize the Attorney General to enforce them.*

(d) *A charitable trusts unit, which shall be responsible for administering the duties assigned to the attorney general regarding charitable trusts under RSA 7:19 through 32-a.*

(e) *an election law unit, which shall be responsible for enforcing violations of New Hampshire election laws under RSA 7:6-c and the Uniform Law on Notarial Acts.*

~~III. The division shall also be responsible for administering the duties assigned to the attorney general regarding charitable trusts under RSA 7:19 through 7:32-a.~~

21-M:7 Division of Legal Counsel. –

[...]

II. The division of legal counsel shall consist of the following units:

(a) A bureau of civil law.

(b) *A public safety and infrastructure bureau, as provided in RSA 21-M:12.*

(c) *A civil rights unit, which shall be responsible for enforcing the New Hampshire Law Against Discrimination and the New Hampshire Civil Rights Act.*

(d) *A charitable trusts unit, which shall be responsible for administering the duties assigned to the attorney general regarding charitable trusts under RSA 7:19 through 32-a.*

(e) *an election law unit, which shall be responsible for enforcing violations of New Hampshire election laws under RSA 7:6-c and the Uniform Law on Notarial Acts.*

~~III. The division shall also be responsible for administering the duties assigned to the attorney general regarding charitable trusts under RSA 7:19 through 32-a.~~

21-M:11 Bureau of Civil Law. –

[...]

II. The duties of the bureau shall include, but not be limited to, the following:

(a) Providing advice and legal representation in civil matters for all executive branch agencies;

(b) Providing advice and legal representation for the state in land acquisition matters;

~~(c) Regulating charitable trusts, as provided for by RSA 7:19 through 7:32-a.~~

7:6-d Private Practice Prohibited. –

The attorney general, deputy attorney general, assistant attorneys general and all attorneys employed by the department of justice shall not directly or indirectly engage in the private practice of law, nor shall they accept any fees or emoluments other than their official salaries for any legal services. Private practice of law shall not include the provision of legal services without charge to the members of an attorney's family when the same shall not conflict with the attorney's official duties. The provisions of this section shall not apply ~~to the director of charitable trusts, nor~~ to special counsel retained by the attorney general.

7:19 Authority; Register Authorized; Pecuniary Benefit Limited. –

I. RSA 7:19 through 32-~~ab~~ inclusive shall apply to all trustees holding property for charitable purposes and to all persons soliciting for charitable purposes or engaging in charitable sales promotions; and the attorney general shall have and exercise, in addition to all the common law and statutory rights, duties and powers of the attorney general in connection with the supervision, administration and enforcement of charitable trusts, charitable solicitations, and charitable sales promotions, the rights, duties and powers set forth in RSA 7:19 through 32-~~ab~~ inclusive. The attorney general shall also have the authority to prepare and maintain a register of all charitable trusts heretofore or hereafter established or active in this state. However, this subdivision does not apply to the United States; any state, territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico or to any of their agencies or governmental subdivisions or to any religious organization which holds property for charitable or religious purposes or their integrated auxiliaries or to conventions or associations of churches.

7:6-c Enforcement of the Election Laws. –

I. Upon receipt of a signed written complaint, or upon his or her own motion, the attorney general may in his or her discretion, conduct investigations to determine whether any violation of the election *or lobbying* laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his or her powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records, and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he or she is empowered to hold under this section shall be given under oath. The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.

## 18. Department of Education

New paragraph; Adequate Education; Education Trust Fund. Amend RSA 198:39, I to read as follows:

198:39 Education Trust Fund Created and Invested. –

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:

- (a) To distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42.
- (b) To distribute grants to municipalities school districts and to approved chartered public schools pursuant to RSA 194-B:11.
- (c) To distribute kindergarten grants to municipalities' and school districts pursuant to RSA 198:48-c.
- (d) To provide low and moderate income homeowners property tax relief under RSA 198:56-198:61.
- (e) To distribute funds to scholarship organizations approved under RSA 77-G, that administer and implement RSA 194-F.
- (f) To distribute phase-out grants to school districts under RSA 194-F:10.
- (g) To fund costs necessary to provide the statewide assessment program required under RSA 193-C.
- (h) To fund department of education operating costs for a state student data collection and reporting system, within budgeted appropriations.
- (i) To fund department of education costs for administering programs funded by the education trust fund, within budgeted appropriations, plus any additional funding authorized pursuant to paragraph III.
- (j) To distribute school building aid to school districts pursuant to RSA 198:15-b.
- (k) To distribute tuition and transportation funds to school districts for students attending career and technical education programs pursuant to RSA 188-E:9.
- (l) To distribute special education aid to school districts pursuant to RSA 186-C:18.
- (m) 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.*
- (n) To distribute payments to providers for costs of special education and related education services related to** episode of treatment pursuant to ~~[RSA 186-C:19-b.]~~ **RSA 193:27 VII.**
- (o) To distribute grants for leased space to approved chartered public schools pursuant to RSA 198:15-hh.
- (p) To fund the community College System of New Hampshire's Dual and Concurrent Enrollment program pursuant to RSA 188-E:25**
- (q) To distribute grants for cellphone free education to school districts and approved chartered public schools pursuant to RSA 189:1-a, V.**
- (r) To fund department of education operating costs, within budgeted appropriations.**

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

(c) The ~~[commissioner of the]~~ department of education shall calculate and distribute chartered public school tuition payments as set forth herein. The first payment shall be 30 percent of the

per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, ~~[the commissioner of]~~ the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible chartered public schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II. Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. ***The average daily membership in attendance for the Virtual Learning Academy Charter School shall be calculated by converting each credit completed into an average daily membership metric utilizing the basis that 12 half-credits equal 1.0 average daily membership. No full-time enrolled pupil at the Virtual Learning Academy Charter School shall have an average daily membership that exceeds 1.0.***

New Paragraph; Chartered Public Schools; Funding. Add a new paragraph after RSA 194-B:11, I(e) to read as follows:

***(f) The first three payment made pursuant to RSA 194-B:11, I(c) to the Virtual Learning Academy Charter School shall be made based on the estimated end of year full-time student and full-time equivalent student average daily membership in attendance calculation. The department may make a May 1 payment distribution to the Virtual Learning Academy using the most current data to ensure the Virtual Learning Academy Charter School receives an estimated 90 percent of adequacy distribution before the end of the fiscal year. The department of education may adjust down the December 1 or March 1 payment on the estimated average end of year enrollment during the school year for any charter school with a 20 percent or greater enrollment decline after the first day of school.***

Education Trust Fund; Determination of Education Grants. Amend RSA 198:41, VI to read as follows:

VI. ~~[When final determination year data is available, but not later than April 1, t]~~ The department shall make a final determination of grant amounts ***by October 1***. A municipality's grant estimate shall not be less than 95 percent of the estimate reported pursuant to paragraph IV. 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.

New Paragraph; Education Trust Fund; Determination of Education Grants. Insert after RSA 198:41, VI the following new paragraph:

*VI-a. The final determination of the grant amount can be modified after October 1 after a vote in the affirmative by the State board under the following conditions:*

- (1) the department or a school district petitioned the State board to modify the October 1 grant determination prior to January 15 of the same fiscal year and the school board votes in the affirmative to accept the petition by February 15,*
- (2) the change being considered within the scope of the petition will have a total adequacy dollar impact greater than 10,000 dollars for at least one municipality, and*
- (3) the petition specifically identifies the municipality or municipalities requiring change in the final grant amount and the amount being modified.*

## **19. Judicial Council**

Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by adding after paragraph XIII the following paragraph:

XIV. Records held by the executive branch that are “under seal” or confidential in a court file.

Adequate Representation For Indigent Defendants In Criminal Cases; Services Other Than Counsel. RSA 604-A:6 is repealed and reenacted to read as follows:

I. In any criminal case in which counsel has been appointed to represent a defendant who is financially unable to obtain investigative, expert or other services necessary to an adequate defense in his case, counsel may apply therefor to the court, and, upon finding that such services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the defendant. The court may, in the interests of justice and upon finding that timely procurement of necessary services could not await prior authorization, ratify and approve such services after they have been obtained. The court shall determine reasonable compensation for the services and direct payment upon the filing of a claim for compensation supported by an affidavit specifying the time expended, the nature of the services rendered, the expenses incurred on behalf of the defendant, and the compensation, if any, received in the same case for the same services from any other source.

II. The Administrative Judges of the Circuit and Superior Court may designate classes of routine, necessary services, under \$1,500 per service, that are not subject to the procedure above. Invoices classified as routine and necessary may be submitted directly to the judicial council for review and payment. These invoices must include a certification by the attorney assigned to the case that the services were necessary to representation in the matter that the attorney was assigned to.

III. The Executive Director of the Judicial Council may, upon review of any particular invoice, decline to process such invoice without judicial review, and may direct the attorney to go through the process outline in Section I.

IV. Vendor invoices and certifications under this section will be retained by the Judicial Council.



V. Any indigent defendant appearing pro se may seek services as outlined in Section I.

Adequate Representation For Indigent Defendants In Criminal Cases; Contract Services. Amend RSA 604-A:6-a to read as follows:

604-A:6-a Contract Services. – The state of New Hampshire, by the judicial council and with the approval of governor and council, may, within the limits of appropriations, contract with qualified firms or individuals in the state to provide stenographic, ***interpretation, translation, transportation, investigation, and psychological, psychiatric, mental health, and substance abuse evaluations*** and clerical services where, pursuant to RSA 604-A:6, the defendant has been found to be eligible for such services. The executive director of the judicial council shall authorize payments to such individuals and firms as provided for under this section.

Adequate Representation For Indigent Defendants In Criminal Cases; Compensation of Counsel. Amend RSA 604-A:4 to read as follows:

604-A:4 Compensation of Counsel. –

***I. [Subject to the provisions of RSA 604-A:6,] Counsel appointed pursuant to this chapter to represent the defendant, at the conclusion of the representation or any segment thereof, shall be reasonably compensated therefor and shall be reimbursed for expenses reasonably incurred. A separate claim for compensation and reimbursement shall be made to each court before which the counsel represented the defendant. Each claim shall be supported by a written statement specifying the time expended, services rendered and expenses incurred while the case was pending before the court. Each court before which the counsel represented the defendant shall fix the compensation and reimbursement to be paid the counsel for services rendered and expenses incurred while representing the defendant in proceedings before the court; however, no justice shall approve any unreasonable or unnecessary charge.***

***II. The Administrative Judges of the Circuit and Superior Court may order that any invoice for fees that falls within the limits of the Supreme Court Rules governing assigned counsel may be submitted directly to the Judicial Council for review and payment.***

***III. The Executive Director of the Judicial Council may, upon review of any particular invoice, decline to process such invoice without judicial review, and may direct the attorney to go through the process outline in Section I.***

***IV. Vendor invoices and certifications under this section will be retained by the Judicial Council.***

## **20. Department of Labor**

New Paragraph; Protective Legislation. Amend RSA 275 by inserting after section 53 the following section:

53-a Wage Claim Settlement Account -A special fund is hereby established in the state treasury for the purpose of receiving and distributing wages in accordance with RSA 275:53 II. The

Commissioner shall administer the fund. The state treasurer shall be the custodian of the fund, and all moneys in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state.

Workers Compensation; Special Fund for Active Cases. Amend RSA 281-A:30 as follows:  
***Repeal. RSA 281-A:30 relative to the Special Fund for Active Cases, is repealed. Effective date September 1, 2025.***

Workers Compensation; Hearings and Awards. Amend RSA 281-A:43, II as follows:

II: A decision of the commissioner, the commissioner's authorized representative, or the board shall take effect and shall become final, in the absence of an appeal from it, 30 days from the date of the decision. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner or the board, shall begin or continue as soon as possible, but no later than 5 working days after ***issuance of the decision***~~the decision's effective date~~, and shall not be terminated except in accordance with the terms of the decision or of a final court determination. If the commissioner determines that the employer or carrier has failed to comply with any order, then the commissioner may assess a penalty not to exceed \$100 for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit into the department of labor restricted fund established in RSA 273:1-b any penalty collected under this section.

Workers Compensation; Appeals Board; Composition. Amend RSA 281-A:42-a, I as follows:

There is established a compensation appeals board. ~~[Until January 1, 2024, the]~~ The board shall consist of a pool of ~~[33]~~ 27 members, of which ~~[44]~~ 9 members shall represent labor, ~~[44]~~ 9 members shall represent employers or workers' compensation insurers and ~~[44]~~ 9 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.]~~ 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.

Workers Compensation; Confidentiality of Workers Compensation Claims. Amend RSA 281-A:21-b to read as follows:

RSA 281-A:21-b Confidentiality of Workers Compensation Claims - Proceedings and records of the department of labor *and the Compensation Appeals Board* with respect to workers' compensation claims under RSA 281-A shall be exempt from 91-A. Nothing in this section shall prohibit the department of labor *or the Compensation Appeals Board* from releasing information on a person's claim or claims to the person, the person's legal representative, attorney, health care providers, the employer's workers compensation insurer, the attorneys for the employer or the employer's insurer, or state and federal agencies with relevant jurisdiction. Notwithstanding the provisions of this section, information relating to a person's claim or claims may be released to other parties only with the prior written permission of the claimant.

Department of Labor; Reports. Amend RSA 273:10 to read:

RSA 273:10 Reports —~~[He]~~ *The labor commissioner* shall transmit to the legislature a report upon these matters when ~~[he]~~ *the labor commissioner* shall deem the occasion of sufficient importance, with such recommendations as ~~[he]~~ *the labor commissioner* shall think advisable. ~~[He]~~ *The labor commissioner* shall biennially make a report of the proceedings of the department of labor to the governor and council, containing the transactions of the office and such other matters and recommendations as ~~[he]~~ *the labor commissioner* shall deem proper.

Workers Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read:

RSA 281-A:43, I(a) Hearings and Awards - In a controversy as to the responsibility of an employer or the employer's insurance carrier for the payment of compensation and other benefits under this chapter, any party at interest may petition the commissioner in writing for a hearing and award. The petition shall be sent to the commissioner at the department's offices in Concord and shall set forth the reasons for requesting the hearing and the questions in dispute which the applicant expects to be resolved. The commissioner or the commissioner's authorized representative shall schedule a hearing, either in Concord or at a location nearest the employee as determined by the commissioner, by fixing its time and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing date shall be set for a time not to exceed 6

weeks from the date the petition was received. In those instances where an expedited hearing is requested, the petition for hearing shall set forth the facts in sufficient detail to support the request for an expedited hearing. The commissioner, or his or her authorized agent shall, in his or her discretion, determine whether the need exists for an expedited hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner to determine whether such requests are given proper attention. The commissioner shall also identify any overutilization by the requesting parties and responses given to such requests by the commissioner. An annual report of the expedited requests, responses, the number of continuances, the reasons for such continuances, the number of requests for hearing, and the time within which the hearings were held shall be made annually to the advisory council established in RSA 281-A:62. The notice may be given in hand, via first class mail, or, ~~[upon consent of the parties,]~~ by electronic transmission ***to any party with that party's consent.*** Continuances of any hearing are discouraged; however, should a continuance be necessary, the parties requesting such continuance shall file with the department a written petition for such continuance at least 7 days prior to the hearing.

Elevator and Accessibility Lifts; Inspection Report and Certificates; Fee; Penalty. Amend RSA 157-B:5, I to read as follows:

RSA 157-B:5 Inspection report and Certificates; Fee; Penalty –

I. Subsequent to the inspection of an elevator or accessibility lift, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator or accessibility lift is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator or accessibility lift passes inspection, the commissioner shall furnish an ~~[inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of \$50 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.]~~ ***invoice for a fee of \$50 to the unit owner or designee. Upon receipt of the \$50 fee, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of \$50 shall be charged for each certificate.***

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

RSA 273:11-a Civil Penalties - In addition to any criminal penalty or provided under this title, the commissioner may, after hearing, impose a civil penalty not to exceed \$2,500, ***unless specifically authorized to do so by other provision of law***, 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.

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

RSA 273:11-a Civil Penalties –

III. No warning shall be issued if, in the opinion of the commissioner, the employer intends to cause harm, the violation poses a threat to public safety, or the violation involves any of the following:

- (a) Failure to pay an employee in full and on time under RSA 275:43.
- (b) Payment of wages by checks on a financial institution that is not convenient to the place of employment as required by RSA 275:43, I(e).
- (c) Failure to pay final wages in full as required by RSA 275:44.
- (d) Failure to pay amounts withheld for court ordered child support to the custodial parent.
- (e) Continuation of wage withholding for insurance benefits that have been cancelled.
- (f) Illegal withholding of wages to compensate employer for employee actions resulting in loss or damage.
- (g) Failure to comply with RSA 275-A:4-a regarding undocumented workers.
- (h) Requiring that employees to perform any illegal activities under threat of job loss.
- (i) Failure to comply with RSA 281-A regarding the Workers Compensation Law.**
- (j) Violations pursuant to RSA 276-A relative to Youth Labor laws.**

Workers Compensation; Payment for Second Injuries from the Special Fund. New paragraph; Hearing. Amend RSA 281-A:54 by inserting after paragraph X the following new paragraph:

***XI. In the event the commissioner denies reimbursement, the employer or employer's insurance carrier may petition the commissioner in writing for a hearing within 30 days of the date of the notice of denial. The petition shall be sent to the commissioner at the department's offices in Concord and shall identify each alleged error of law, fact, or reasoning that the petitioning party wishes to challenge. The commissioner or the commissioner's authorized representative shall schedule a hearing and give notice at least 14 days prior to the date for which it is scheduled. Unless excused for good cause shown, or a party has not received notice, failure of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance shall bar such parties from any further action concerning an adverse decision, a decision by default, or a dismissal of a petition for hearing. The scope of the hearing shall be limited to each alleged error of law, fact, or reasoning that the petitioner raised in their petition for hearing. The documentary evidence admissible at the hearing shall be limited to the forms and supporting documentation submitted by the petitioner to the commissioner in support of the denied reimbursement request, and any responsive communications or orders from the commissioner regarding the denied reimbursement request. No later than 30 days after the hearing, the commissioner or the commissioner's authorized representative shall render a decision and shall forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized representative, may render a decision at the hearing. Any party in interest aggrieved by the rendered order or decision of the commissioner or the commissioner's authorized representative may appeal to the supreme court pursuant to RSA 541.***

Workers Compensation; Reimbursement for Payment of Additional Compensation. New paragraph; Hearing. Amend 281-A:55-a Reimbursement for Payment of Additional Compensation by inserting after paragraph II the following new paragraph:

***III. In the event the commissioner denies reimbursement for requests made under this section, the employer or employer's insurance carrier may petition the commissioner for a hearing pursuant to RSA 281-A:54, XI.***

## **21. New Hampshire Retirement System**

New Hampshire Retirement System. The funds in Accounting Unit 1051 shall not lapse until June 30, 2027.

## **22. Police Standards and Training Council**

New Paragraph; Police Standards and Training Council. Amend RSA 106-L:5 by inserting after paragraph XX the following new paragraph:

XX-a. The director may detail any law enforcement training specialist employed by the council for law enforcement and crowd control services for public and private events and for extra duty functions to be performed outside regular business hours and for which the council shall be reimbursed. While performing such services, the officers may enforce all criminal and motor vehicle laws of the state in which the services are being performed. The council shall establish a detail rate that includes compensation for the officers and reimbursement for the use of vehicles, employee benefits, and other incurred expenses.

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

## **23. Department of Safety**

Department of Safety; General Fund Lapse to Fire Standards and Training and Emergency Medical Services Fund. Unspent General Funds appropriated to the Fire Safety Administration accounting unit 66310000 shall lapse to the Fire Fund on June 30, 2026.

Department of Safety; Prohibitions. Amend RSA 263:12, VI to read as follows:

VI. Manufacture, advertise for sale, sell, or possess any fictitious, facsimile or simulated license to drive a motor vehicle ***unless specifically authorized by the director.***

Department of Safety; Provision for Federal Identification Database Prohibited. Amend RSA 260:14-a, VIII to read as follows:

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

Department of Safety; Division of Emergency Services and Communications. Amend 21-P:48-a to read as follows:

I. There is hereby created a division of emergency services and communications within the department of safety under the supervision of the director of emergency services and communications and reporting to the assistant commissioner. The commissioner shall nominate a director of the division of emergency services and communications for appointment by the governor, with the consent of the council, who shall serve a term of 4 years until a successor has been appointed. The director shall be responsible to carry out such duties as are specifically enumerated in this subdivision and as may be assigned by the office of the commissioner. The director shall be academically and technically qualified to hold the position and shall receive the salary specified in RSA 94:1-a for the director of emergency services and communications.

II. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of emergency services and communications ***and the state radio communications systems***. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With general oversight by the assistant commissioner, the director shall coordinate the activities of all organizations for emergency 911 telecommunications within the state, state and local, county, and private, and shall maintain liaison with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency telecommunications organizations of other states and of the federal government. The director shall ***also oversee the state radio communications system, which includes infrastructure and any communication systems that directly support interoperable communications and the exchange of information between the Public Safety Answering Point / Emergency Communications Center and the first responder, and*** have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

***III. Notwithstanding any other provision of law, maintenance of the state radio communications systems overseen by the division of emergency services and communications pursuant to this section shall be funded by the surcharge fund established in RSA 106-H:9.***

Department of Safety; Division of Fire Safety. Amend RSA 21-P:15-a to read as follows:

Hazardous Materials Incident Response Coordinator. There is created within the department of safety, division of fire safety, the classified, [full-time] position of hazardous materials incident response coordinator. [~~The position shall be at labor grade 23.~~] The coordinator [~~shall be appointed by the state fire marshal and~~] shall oversee the preparedness of the state's regional hazardous materials response teams as provided in RSA 21-P:12, III. ***During full-time service as hazardous materials incident response coordinator, the hazardous materials incident response coordinator shall be eligible to be a group II member, if he or she was a group II member or receiving a group II retirement allowance prior to being hired into this position.***

Department of Safety; Division of Fire Standards and Training and Emergency Medical Services. Amend RSA 153-A:1, I to read as follows:

I. The general court declares that it is the policy of the state of New Hampshire to save lives and speed the healing of persons in need of medical services by providing an emergency medical and trauma services system that will bring an injured or sick person under the care of properly trained individuals in the shortest practical time, and that will provide safe transportation to the most appropriate treatment center prepared to receive the sick or injured person. It is the policy of the state of New Hampshire to ~~[insure]~~ **ensure** that the sick or injured person is safely transported in properly equipped vehicles which are designed to supply supportive care and which are able to communicate with medical treatment centers. The use of properly licensed wheelchair vans for hire is to ensure that patients confined to a wheelchair are transported in equipped vehicles driven by personnel approved by the division. ***The use of properly licensed wheelchair vans for hire is to ensure that patients confined to a wheelchair are transported in equipped vehicles driven by personnel approved by the division.***

Department of Safety; Chief of Policy and Planning. Amend RSA 21-P:5-b to read as follows:

Chief of Policy and Planning. - The commissioner of safety shall nominate a chief of policy and planning for appointment by the governor, with the consent of the council. The chief of policy and planning shall serve at the pleasure of the commissioner and shall be qualified to hold that position by reason of education and experience and shall perform such duties as are assigned. Notwithstanding RSA 100-A:3 or any other law to the contrary, membership in the retirement system shall be optional. If the incumbent opts to become a member of the retirement system, ***the incumbent may enroll as a group II member if he or she was a group II member or was receiving a group II retirement allowance prior to appointment.***

## 24. State Treasury

Repeal. The laws relative to the custody and payment of income from the Benjamin Thompson Trust Fund to the New Hampshire College of Agriculture and the Mechanic Arts, namely, laws of 1909, chapter 131, RSA 11:6, RSA 6:12, I (b)(134), and RSA 624:16,V are hereby repealed.

Budget and Appropriations; Revolving Funds. Amend RSA 9:16-a, II-a, (e) to read:

(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, ***class-043 debt service treasury, and class 044 debt service other agencies.***

## 25. Department of Environmental Services

Repeal. 2023, 79:512 and 79:513, relative to the Department of Environmental Services, are repealed.

Record of Wells; Monitoring Wells. Amend RSA 482-B:10, I(c)(1) to read as follows:



(1) Coordinates provided by global positioning technology in units of **decimal** degrees [~~and decimal minutes~~] of latitude and longitude, with at least 5 [3] decimal places of precision and referenced to the World Geodetic System 1984 (WGS 84) datum or its successor;

Water Pollution and Waste Disposal; Duties of Department. Repeal RSA 485-A:4, IX-a.

Control of Marine Pollution and Aquatic Growth; Aquatic Invasive Species Decal. Repeal RSA 487:43.

New Hampshire Safe Drinking Water Act; Duties of Department. Repeal RSA 485:41, VIII.

New Paragraph. Acquisition by State of Certain Dams and Water Rights; Acquisition Authorized. Add after RSA 482:48, XI the following paragraph:

***XII. For a consideration of \$1, the department of environmental services may accept an easement from the abutting property owners of all rights necessary for access, and to store equipment during repair, reconstruction, maintaining, and operation of Pequawket Dam in the Town of Conway and Horn Pond Dam in the Town of Wakefield for the purpose of repairing and reconstructing such dams. The rights and easements the department is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the easements are held by the state. With the exception of such \$1 consideration, nothing in this paragraph shall mandate or authorize the expenditure of any funds or capital relative to the provisions of this paragraph.***

Department Of Environmental Services; Commissioner; Assistant Commissioner; Directors; Chief Operations Officer; Compensation. Amend RSA 21-O:2, III(c) to read as follows:

(c) The commissioner shall, after consulting with the waste management council, nominate for appointment by the governor and council a director of waste management. Each nominee shall hold a **baccalaureate or** master's degree from a recognized college or university with major study in environmental sciences, chemistry, civil engineering, public health, public administration, or a related field, and have 5 years' experience in a high level supervisory or administrative position in a public or private agency engaged in waste management, environmental health, or a related discipline.

Department of Environmental Services; Air Resources Council. Amend 21-O:11, I to read as follows:

I. There is hereby established an air resources council which shall be composed of 11 members, including one representing the [~~steam power~~] **electric** generating industry; one representing the oil industry; one representing the natural gas industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 6 members appointed at large who shall represent the public interest, one of whom shall be **in the field of** [~~a licensed practicing physician or other health care professional possessing expertise in the field of~~] public health[~~and the health-related impacts of air pollution~~], one of whom shall represent the field of recreation, and at least one of whom shall represent environmental interests. The council

members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of the executive council. Each member shall serve for a term of 4 years.

Department of Environmental Services; Waste Management Council. Amend 21-O:9, I and II to read as follows:

I. There is established a waste management council consisting of the following, appointed by the governor and council, each of whom shall serve a 4-year term:

- (a) A chairman, representing the public interest;
- (b) Three municipal officials, at least 2 of whom shall be elected officials, representing the public interest~~[-, nominated by the New Hampshire Municipal Association];~~
- (c) An expert in public health, representing the public interest;
- (d) A local conservation commission member, representing the public interest~~[-, nominated by the New Hampshire Association of Conservation Commissions];~~
- (e) A professor or assistant professor of environmental science or sanitary engineering, representing the public interest;
- (f) A representative of the private waste management industries;
- (g) A licensed sanitary or environmental engineer from private industry;
- (h) A representative of the municipal public works field;
- (i) A representative of the business or financial communities;
- (j) [Repealed.]
- (k) A representative of communities which recycle or recover solid waste, representing the public interest~~[-, nominated by the New Hampshire Resources Recovery Association];~~ and
- (l) A representative of private industries that generate hazardous waste.

II. One member of the council shall be elected vice chairman by the members of the council.

***When the chairman is absent, it shall be the duty of the vice-chairman to assume and administer the duties of the chairman.*** All members shall be New Hampshire residents. The members representing the public interest shall not have any official or contractual relationship with, or receive any significant portion of their income from, any person subject to division of waste management permits or enforcement orders. Members shall disclose all potential conflicts of interest, and shall not vote on matters in which they have a direct interest. The council may elect other officers.

Department of Environmental Services; Water Council. Amend 21-O:7, I(a) to read as follows:

- (a) Thirteen of the members shall be public members appointed by the governor, with the consent of the council, who shall serve for terms of 4 years. Of these members, 2 shall represent the industrial interests of the state; one shall represent the vacation home or private recreational interests of the state; one shall represent the agricultural interests of the state; one shall be an employee of any municipal or privately-owned waterworks in the state; one shall be a representative of the septage hauling industry~~[-, nominated by the New Hampshire Association of~~

~~Septage Haulers~~]; one shall be a member of a statewide nonprofit conservation or environmental organization; one shall be a treatment plant operator; one shall be a designer or installer of septic systems ~~[, nominated by the Granite State Designers and Installers Association]~~; one shall represent New Hampshire rivers ~~[, nominated by the New Hampshire Rivers Council]~~, and one shall represent New Hampshire lakes  ~~[, nominated by the New Hampshire Lakes Association]~~. The 2 remaining members shall be appointed and commissioned respectively as the chairman and vice chairman of the council;

Department of Environmental Services; Wetlands Council. Amend 21-O:5-a, I(f) to read as follows:

(f) Eight members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment ~~[, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions]~~; one shall be a supervisor, associate supervisor, former associate supervisor, or former supervisor, of a conservation district at the time of appointment,  ~~[, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts]~~; one shall be a municipal official other than a member of the conservation commission at the time of appointment ~~[, and be nominated by the New Hampshire Municipal Association]~~; one shall be a natural resource scientist  ~~[, and be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists]~~; one shall be a member of the construction industry and be  ~~[, one of 3 nominees submitted by the Associated General Contractors of New Hampshire]~~; one shall be a member of the marine industry ~~[, and be one of 3 nominees submitted by the New Hampshire Marine Trades Association]~~; one shall have experience in environmental protection and resource management at the time of appointment ~~[, and be one of 4 nominees submitted, 2 each, by the New Hampshire Audubon Society and the Society for the Protection of New Hampshire Forests]~~; and one shall be a farm or forest landowner  ~~[, and be one of 2 nominees submitted, one each, by the New Hampshire Farm Bureau Federation and the New Hampshire Timberland Owners Association]~~. One member of the council shall be elected annually as chairperson by the members of the council.

## **26. Department of Administrative Services**

Unfunded Positions; Authorization. Notwithstanding any other provision of law to the contrary, any executive branch department or agency may fill unfunded positions during the biennium ending June 30, 2027, provided that the total expenditures for such positions shall not exceed the amount appropriated for personnel and benefit services.

Highways and Other Public Works; Application for and Administration of Federal Aid. Amend RSA 124:4 to read as follows:

Application for and Administration of Federal Aid. – Notwithstanding any other provision of law, the governor and council are hereby authorized to designate from time to time, as they may deem in the best interest of the state, the proper persons or agencies in the state government to take all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-aid, or other federal appropriations or services made available to assist state activities,

for which the state is, or may become eligible. All such moneys in excess of ~~\$50,000~~ **\$100,000** made available, after designation by the governor and council, may be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee. In addition to such other instruments, documents, and agreements as may be executed under the authority of this section, such persons or agencies may execute indemnification agreements, with the approval of governor and council, in the name of the state with and for the benefit of the United States whenever such execution is required as a condition of receipt of such federal assistance.

Appropriations; Transfers Authorized. Amend RSA 9:16-a, I to read as follows:

Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and amount all accounting units within said department, ***with the approval of the commissioner of the department of administrative service***, provided that any transfer of \$100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 9:17-b, 9:17-c, or 9:17-d or in violation of any restrictions otherwise provided by law. The restrictions included in RSA 9:17-a, 9:17-b, 9:17-c, or 9:17-d shall not apply if a transfer is necessary to satisfy a federal maintenance of effort requirement to ensure the receipt of federal funds.

Bridges House Special Account; Establishing the Bridges House Special Account Fund. Amend RSA 4:9-s to read as follows:

There is hereby established in the state treasury the bridges house special account fund. ***The governor is authorized to accept*** ~~[The funds may be comprised of]~~ public funds, gifts, grants, donations or any other source of funds, ***and which*** shall be used for the purposes of the care, maintenance, 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 ***of Administrative Services***.

Audits of Federal Grants; Funds Set Aside. Amend RSA 124:16 to read as follows:

Every state department, board, institution, commission or agency which receives federal funds shall set aside an amount equal to the rate approved in the statewide indirect cost plan of the funds received. The amount set aside shall be used to pay for financial and compliance audits as required by the federal government or by state statute. ***The commissioner of administrative services may waive any requirement under this subdivision if the commissioner determines that it is in conflict with, or contrary to, state objectives.***

Capital Project Overview Committee; Duties. Amend Revise RSA 17-J:4 to read as follows:

Duties. – The capital project overview committee shall review the status of capital budget projects both during and between legislative sessions. Each state agency with capital budget projects shall report to the department of administrative services, in the format ***and timeframe*** the department of administrative services prescribes. ~~for the quarters ending September 30,~~

~~December 31, March 31, and June 30.~~ The department of administrative services shall combine these reports and present the summarized report to the capital project overview committee for review ~~quarterly~~ **annually** on the first of **September, for the preceding fiscal year** ~~November, February, May, and August.~~ The department of administrative services, division of public works design and construction shall, within 90 days of the approval of funding for any capital budget project, submit a timeline or schedule for such project to the capital project overview committee for review.

General Provisions; Divisions of Procurement and Support Services, Public Works Design and Construction, and Plant and Property. Amend RSA 21-I:11 (6) (A) and (B) (i) to read as follows:

(6) Recommending to the commissioner fair and equitable charges to be assessed according to rules adopted pursuant to RSA 21-I:14, XI, against any recipients receiving any donated surpluses from the bureau of purchase and property's surplus distribution section which shall:

(A) Be sufficiently high to defray all administrative, warehousing, processing, distribution, and transportation costs incurred by the surplus distribution section and to allow the accumulation of a working capital reserve equal to the cost of ~~3~~ **6** months' operation of the surplus distribution section so that the operation of said section shall result in no expense to the state; and

(B) Be maintained by the treasurer in one of two separate, restricted funds:

(i) The surplus distribution section administrative assessments fund, into which shall be deposited funds received by the department by virtue of the disposition of surplus property ***and which shall be continually appropriated and non lapsing;***

General Provisions; Division of Accounting Services. Insert a new a paragraph after RSA 21-I:8 I (h) to read as follows:

***(i) After exhausting any relevant appeal process, state agencies may use funds in existing class 60, or other appropriate budget class, to pay any penalties, fines, interest or other costs imposed on the State of New Hampshire by the NH Retirement System or by the IRS, relating to employer payments, reporting or audits. The Department of Administrative Services will seek concurrence of the Department of Justice prior to processing any such payment and will facilitate and charge applicable state agencies as necessary.***

## **27. Lottery Commission**

Lottery Commission; Authority Granted.

For the biennium ending June 30, 2027, in order to provide sufficient funding to the lottery commission to carry out lottery games that will provide funds for the distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new games, the expansion of any existing lottery games, or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special

account. The total of such transfers shall not exceed \$15,000,000 for the biennium ending June 30, 2027.

## **28. Distribution of Funds**

Business Profits Tax; Distribution of Funds. Amend RSA 77-A:20-a to read as follows:

Distribution of Funds. –

I. The commissioner shall determine ~~[44]~~ **34** percent of the revenue produced by 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.

Business Enterprise Tax; Distribution of Funds. Amend RSA 77-E:14 to read as follows:

Distribution of Funds. –

I. The commissioner shall determine ~~[44]~~ **34** percent of the revenue produced by 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.

Tobacco tax; Distribution of Funds. RSA 78:24 is repealed and reenacted to read as follows:

Distribution of Funds. –

I. Tax revenue on all tobacco products sold at retail in this state imposed by RSA 78:2 shall be divided with 34 percent of that total revenue deposited in the education trust fund established by RSA 198:39 and the remaining revenue deposited in the General Fund.

II. The commissioner shall certify such amount 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.

Tax on Transfer of Real Property; Distribution of Funds. RSA 78-B:13, I is repealed and reenacted to read as follows:

I. Tax revenue collected by RSA 78-B:1 shall be divided with 34 percent of that total revenue deposited in the education trust fund established by RSA 198:39 and the remaining revenue deposited in the General Fund.

Appropriation; Cannon Mountain Tramway. 2023, 79:510 is repealed and reenacted to read as follows:

79:510 Appropriation; Cannon Mountain Tramway. The sum of \$18,000,000 for the fiscal year ending June 30, 2023, is hereby appropriated to the department of natural and cultural resources for the maintenance and operation of the tramway at Cannon Mountain. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any remaining funds hereby appropriated shall lapse to the General Fund on July 1, 2025.

Effective Date; Cannon Mountain Tramway. 2023, 79:510 is amended to read as follows:

79:511 Effective Date. Section 510 of this act shall take effect June 30, 202[3]5.

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 [2024-2025] **2026-2027**:

(1) State fiscal year [2024] **2026**, [\$131,849,659] **\$134,486,652**.

(2) State fiscal year [2025] **2027**, [\$131,849,659] **\$137,176,385**.

RSA 9:13-e Revenue Stabilization Reserve Account.

Notwithstanding any other provision of RSA 9:13-e, in the event of a general fund operating budget deficit at the close of any fiscal biennium as determined by the official audit performed pursuant to RSA 21-I:8, II(a), the state comptroller shall notify the fiscal committee of the general court and the governor of such deficit and transfer the appropriate funds from the revenue stabilization reserve account to eliminate such deficit.

One Granite Place. 2023, 79:56 is repealed and reenact to read as follows:

79:56 One Granite Place. The proceeds of the sale of the former Laconia state school campus property shall be applied to any subsequent purchase of land, building, and other improvements at 1 Granite Place Concord, New Hampshire, such building to be used for state government office space. These funds shall not lapse until June 30, 2027.

Department of Energy; Transfer of Funds.

The Department of Energy shall transfer \$10,000,000 from the Renewable Energy Fund to the General Fund effective July 1, 2025.

## **29. Office of Professional Licensure and Certification**

Mechanical Licensing; Inspectors. Amend RSA 153:34 to read as follows:

I. The [~~office of professional licensure and certification~~] **department of safety** with the approval of the [~~board and the executive director of the office of professional licensure and certification~~] **state fire marshal** shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with practices consistent with the public safety and welfare. Any person so employed shall be under the administration and supervisory direction of the [~~office of professional licensure and certification~~] **department of safety**.

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not

reasonably obtainable, the **state fire marshal**, or his or her designee, may obtain an administrative inspection warrant under RSA 595-B.

III. An inspector appointed under this subdivision may order the removal or correction of any violation of this subdivision.

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that all the work in violation be corrected prior to continuance. The local building authority shall approve the continuation of work upon being satisfied that violations have been corrected and shall notify the inspector of such approval.

Electricians; Inspectors. Amend RSA 319-C:5, I to read as follows.

I. The ~~[office of professional licensure and certification]~~ **state fire marshal** shall be empowered to appoint such inspectors as may be necessary to carry out the purposes of this chapter **and RSA 319-c**. Any person so employed shall be under the administration and supervisory direction of ~~[the office of professional licensure and certification]~~ **the state fire marshal**.

Barbering, Cosmetology, And Esthetics; Definitions. Amend RSA 313-A:1 by adding after paragraph XIII the following paragraph:

***XII-a. "Shop" means barbershop, mobile barbershop, and salon as defined in RSA 313-A:1, as well as any other business location for barbering, cosmetology, or esthetics in New Hampshire.***

Barbering, Cosmetology, And Esthetics; Rulemaking Authority. Amend RSA 313-A:8 to read as follows:

The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants for licensure, including the qualifications for satisfactory evidence of:

- (a) A high school education or its equivalent; and
- (b) Good professional character;

II. Criteria for examination of applicants;

III. Criteria for the renewal of licensure under this chapter, including the requirements for continuing education;

IV. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how sanctions by the board shall be implemented for violations of these standards or for any violation of this chapter;

V. Conditions for practice under temporary licenses issued by the board;

VI. The regulation of tanning facilities including:

- (a) Sanitation and hygiene standards to be met and maintained by tanning facilities;
- (b) Standards for approving the training curricula and programs used for training tanning device operators;
- (c) Registering tanning facilities;
- (d) Standards for the inspection of tanning devices ***upon application for initial licensure;***



- (e) Standards for the consumer consent form required under RSA 313-A:30, IV.
- VII. Criteria for licensing and approval of school[s] ~~[and their]~~ curriculum;
- VIII. Criteria for licensing and approval of instructors;
- IX. Criteria for licensing and approval of mobile barbershops;
- X. The occasional performance of services at locations other than the principal place of business by persons licensed under this chapter;
- XI. The criteria for office of professional licensure and certification consideration of an applicant's "good professional character";
- XII. The criteria for granting exemptions under RSA 313-A:10, II; 313-A:11, II; and 313-A:12, II;
- XIII. A schedule of administrative fines for violations of this chapter under RSA 313-A:22, III(e) and (f); and
- XIV Conditions and standards for operation under a shop license, including health and safety standards.
- XIV. Criteria for determining what other one-time certification programs are the equivalent of an OSHA certificate that meets or exceeds 10 hours and is earned in barbering, cosmetology, manicuring, and/or esthetics for the purposes of operating a shop or school under this chapter.***

Barbering, Cosmetology, And Esthetics; Licensure Required. Amend RSA 313-A:9 to read as follows:

- I. It shall be a class A misdemeanor for any natural person, and a felony for any other person, to engage for remuneration in any practice regulated by this chapter without the appropriate license.
- II. It shall be a misdemeanor for any person to:
  - (a) Operate a ~~[barbershop, salon,]~~ **shop** or school unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter.
  - (b) Hire, employ, or otherwise allow any person to engage in a practice regulated by this chapter, unless such person then holds a valid license or a temporary permit issued by the board to practice the respective profession.
  - (c) Operate a school, unless it has been licensed by the board and is operated according to rules adopted by the board.
  - (d) Engage in the instructing of any activity licensed by this chapter without holding an appropriate license issued under this chapter.
- 7. Qualifications; Barbers. Amend RSA 313-A:10 to read as follows:
  - I. In order to be issued a barber's license by the office of professional licensure and certification, a person shall:
    - (a) Be of good professional character;
    - (b) Have completed high school or its equivalent;
    - (c) Have received training of:
      - (1) A minimum of 800 hours of training in a school of barbering approved by the office of professional licensure and certification in accordance with ***this chapter and*** criteria established by the board pursuant to RSA 541-A; or
      - (2) A minimum of 1,600 hours distributed over a period of at least 12 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;
    - (d) Pass an examination; and

(e) Pay a fee established by the office of professional licensure and certification.

II. An applicant not meeting the conditions of RSA 313-A:10, I(b) through (c) may petition the office of professional licensure and certification for exemption. The office, following criteria established in rules adopted under RSA 313-A:8, XII, may grant the exemption.

III. In order to be issued a master barber's license by the office of professional licensure and certification, a person shall:

(a) Be of good professional character;

(b) Have completed high school or its equivalent;

(c) Have received training of:

(1) A minimum of 1,500 hours of training in a school of master barbering approved by the [board] ***office of professional licensure and certification in accordance with this chapter and criteria established by the board pursuant to RSA 541-A***; or

(2) A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

(d) Pass an examination; and

(e) Pay a fee established by the office.

Barbering, Cosmetology, And Esthetics; Qualifications; Cosmetologists. Amend RSA 313-A:11, I(c)(1) to read as follows:

(1) A minimum of 1,500 hours of training in a school of cosmetology approved by the office of professional licensure and certification ***in accordance with this chapter and criteria established by the board pursuant to RSA 541-A***.

Barbering, Cosmetology, And Esthetics; Qualifications; Manicurists. Amend RSA 313-A:12 to read as follows:

A person, to be issued a manicurist's license by the office of professional licensure and certification, shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e):  
I. Have completed a course of at least 300 hours of professional training in manicuring, in a school approved by the [board] ***the office of professional licensure and certification in accordance with this chapter and criteria established by the board pursuant to RSA 541-A*** and passed an examination; or

II. Have satisfied the requirement set out in RSA 313-A:11, I(d) and, as an apprentice in a salon, received the equivalent, pursuant to criteria established by the board, of the course required under paragraph I.

Barbering, Cosmetology, And Esthetics; Qualifications; Estheticians. Amend RSA 313-A:13 to read as follows:

To be issued an esthetics license by the office of professional licensure and certification, an applicant shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e), have completed a course of at least 600 hours of training in a school approved by the [board] ***the office of professional licensure and certification in accordance with this chapter and criteria established by the board pursuant to RSA 541-A*** and have passed an examination. An apprenticeship approved by the board may be substituted for the required training. Estheticians

who have practiced professionally in this state for a period of at least 3 years prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:11, I(a), (b), and (c) and the training requirements of this section shall not be required to take the examination provided for in this section to be eligible for licensure under this chapter. Credit towards the hours requirement for esthetician training may be given to a licensed cosmetologist or barber for equivalent training in the cosmetology or barber program in a school approved by the board upon certification of the training by the school. Credit towards the hours requirement for esthetician training may be given to a licensed massage therapist for massage therapy training deemed equivalent by the board. Cosmetologists licensed under this chapter may obtain the training hours in subjects required by the board in increments at separate schools, but must present certifications to the office for all required hours and curriculum subjects.

Barbering, Cosmetology, And Esthetics; Shop Licensure. Amend RSA 313-A:19 to read as follows:

I. It shall be a misdemeanor for any person, as owner, manager, or agent, to open, establish, conduct, or maintain a salon, barbershop, or mobile barbershop without first having obtained a shop license from the board. Application for such shop license shall be made to the ~~[board]~~ **office of professional licensure and certification** in writing and shall state the name and address of the owner of such shop, the shop's address or, in the case of a mobile barbershop, the business mailing address of the owner, and such other information as may be required by the board ~~or~~ **office of professional licensure and certification**. Licenses under this section shall be conspicuously posted within the licensed establishment.

II. Any licensed barber, cosmetologist, manicurist, or esthetician shall, upon written application accompanied by the required fees, receive a license to operate a salon, barbershop, or mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all requirements established in the rules of the board:

- (a) *for an inspection conducted upon initial licensure; or*
- (b) *for an inspection conducted upon initial licensure and the licensee has obtained a one-time occupational safety and health administration certificate (OSHA) that meets or exceeds 10 hours, or its equivalent, relative to health, safety, disinfection, and sanitation in the professional service that is regulated by this chapter and is offered at the shop. The board shall adopt rules pursuant to RSA 541-a as to what other one-time certification programs are the equivalent of an OSHA certificate that meets or exceeds 10 hours earned in barbering, cosmetology, esthetics, and/or manicuring.*

III. In the event of a change of location of any licensed shop and upon notice thereof, the ~~[board]~~ **office of professional licensure and certification** shall issue a transfer of licensure of such shop to its new location, provided such new location meets the requirements of this section. The board may ~~[revoke]~~ **take disciplinary action against** any shop license upon a finding that such shop fails to comply with this chapter or the rules adopted by the board, ~~or has committed professional misconduct as defined in this chapter and in RSA 310;~~ provided that, before any such ~~[certificate shall be revoked]~~ **disciplinary action is taken**, the holder shall have notice thereof and be granted a proper hearing in accordance with RSA 310.

IV. In addition to licenses issued under paragraph II, the board may issue a license to an owner of a salon or barbershop who does not personally engage in cosmetology, barbering, or esthetics, provided the salon or barbershop shall fulfill all requirements ~~[set forth in the rules of the board]~~ **for licensure** and provided further that the owner has paid the required license fee for such salon or barbershop and employs a licensed cosmetologist, barber, manicurist, or esthetician as manager in the salon or barbershop. However, this section shall not authorize such owner to practice cosmetology, barbering, manicuring, or esthetics unless the owner has a cosmetologist, barber, or esthetician license.

***V. It shall be the obligation of any individual who opens, establishes, conducts, or maintains a shop, or manages a shop, to ensure such shop maintains compliance with this chapter and board rules. Failure to maintain compliance shall constitute conduct sufficient to support disciplinary proceedings initiated pursuant to RSA 310. This provision shall not be construed to prevent the board from taking disciplinary action against any licensee working at such shop, and who does not own or manage it.***

Barbering, Cosmetology, And Esthetics; Operating a School. Insert after RSA 313-A:19 a new section to read as follows:

RSA 313-A:19-a Operating a School. –

I. Each applicant applying for a barber, cosmetology, esthetic, manicuring or master barbering school license may obtain a one-time occupational safety and health administration certificate (OSHA) certificate that meets or exceeds 10 hours, or its equivalent, relative to health, safety, disinfection, and sanitation in each professional service that is regulated by this chapter and taught at the school. The board shall adopt rules pursuant to RSA 541-a as to what other one-time certification programs are the equivalent of an OSHA certificate that meets or exceeds 10 hours and is earned in barbering, cosmetology, manicuring, or esthetics.

II. In addition to the requirements of Paragraph I, applicants for initial licensure as a school shall meet all requirements established in the rules of the board for an inspection conducted upon a proposed school.

III. It shall be the obligation of any individual who opens, establishes, conducts, or maintains a school, or manages a school, to ensure it maintains compliance with this chapter and board rules. Failure to maintain compliance shall constitute conduct sufficient to support disciplinary proceedings initiated pursuant to RSA 310. This provision shall not be construed to prevent the board from taking disciplinary action against any licensee working at such school, and who does not own or manage it.

IV. The board may take disciplinary action against any school license upon a finding that such school fails to comply with this chapter or the rules adopted by the board, or has committed professional misconduct as defined in this chapter and in RSA 310; provided that, before any such disciplinary action is taken, the holder shall have notice thereof and be granted a proper hearing in accordance with RSA 310.

Barbering, Cosmetology, And Esthetics; Inspectors. RSA 313-A:21 is repealed and reenacted to read as follows:

Inspectors. -

I. The executive director of the office of professional licensure and certification or her designees shall be authorized to enter and make reasonable examination and inspection of any salon, barbershop, or school during business hours for the purpose of ascertaining whether or not the administrative rules of the board and the provisions of this chapter are being observed. The executive director or her designees shall file a report with the board of such findings with respect to each inspection made. Any salaries and necessary expenses of employed inspectors shall be charged against the fees and other moneys collected by the board.

II. Sanitary inspections of all shops and schools shall be made at the time of initial licensure and annually thereafter, unless a shop or school has obtained an occupational safety and health administration certificate (OSHA) certificate pursuant to RSA 313-A:19-a, I, or for an investigation conducted pursuant to RSA 310:9.

Barbering, Cosmetology, And Esthetics; Apprentice Registration and Certificates. Repeal. RSA 313-A:24, V is repealed in its entirety.

### **30. Effective Date**

Effective Date:

Unless otherwise specified, the remainder of this act shall take effect July 1, 2025.