

HB 2-FN-A-LOCAL - AS INTRODUCED

2025 SESSION

25-1170

08/05

HOUSE BILL

2-FN-A-LOCAL

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

SPONSORS: Rep. Weyler, Rock. 14; Rep. D. McGuire, Merr. 14; Rep. Erf, Hills. 28; Rep. Edwards, Rock. 31

COMMITTEE: Finance

ANALYSIS

This bill:

1. Makes various changes to the standards and the administration of bail.
2. Adds new definitions to the endangered species conservation act.
3. Requires the department of environmental services to adopt rules and review procedures such that actions of state agencies do not jeopardize the existence or habitats of species protected under the endangered species conservation act.
4. Establishes an environmental scientist position within the department of environmental services to ensure that state agencies do not jeopardize the existence or habitats of species protected under the endangered species conservation act.
5. Requires that rules established by the executive director of the fish and game department establish an administrative fee that the executive director may collect from payments made to the threatened and endangered species compensatory mitigation fund.
6. Requires the department of environmental services to adopt rules regarding when mitigation payments to the threatened and endangered species compensatory mitigation fund are required.
7. Modifies the definition of “environmental review” as it relates to native plant protection.
8. Requires the department of environmental services to build and maintain a database for providing environmental reviews and cataloging protected species for the purpose of assisting state agencies and departments that require environmental reviews.
9. Requires the department of environmental services to adopt rules to establish a process for requesting a screening and environmental review process.
10. Prevents the commissioner of the department of natural and cultural resources from charging a fee for screening department records for instances of protected species or environmental reviews.
11. Prevents the commissioner of the department of natural and cultural resources from using money collected under the natural heritage bureau fund to conduct environmental reviews.
12. Defines “boathouse” and “structural height” in the context of fill and dredge in wetlands statutes.

HB 2-FN-A-LOCAL - AS INTRODUCED

13. Increases the fees associated with applications for existing dock structures and shoreline structure and minimum impact dredge and fill projects.
14. Prevents the New Hampshire Rivers Council from filing written notice with the department of environmental services for the purpose of investigating excavation or dredging permits.
15. Prevents the department of environmental services from issuing 40-day extension periods on excavation or dredging permit applications.
16. Raising the fees associated with shoreline terrain alteration applications and raising fees annually to coincide with inflation.
17. Requires the department of environmental services to adopt rules establishing a permit by notification process for certain shoreline terrain alteration projects, with certain exceptions.
18. Establishes structural requirements for existing and new boathouses located over public waters and penalties for violation thereof.
19. Requires school boards to adopt policies relative to student cell phone use and establishing a cell phone use policy grant program to be administered by the department of education.
20. Establishes the solid waste facility site evaluation committee, requires major solid waste disposal facilities to be certified by the solid waste facility site evaluation committee, and temporarily suspends the issuance of solid waste permits by the department of environmental services.
21. Defines "eligible student" for the purposes of enrollment in the education freedom account program.
22. Clarifies the dates on which all OHRV trails on the Connecticut Lakes headwaters working forest property are open for use.
23. Makes significant changes to the NH retirement system, including modifying the maximum retirement benefits for certain public employees, adjusting the dates and percentages related to the calculation of retirement benefit, and adjusting the definition of "earnable compensation."
24. Renames the state lottery commission to the state lottery and gaming commission.
25. Authorizes the use and licensing of video lottery terminal facilities.
26. Makes an appropriation from the opioid abatement trust fund for "Northern Shield", a law enforcement program to prevent drug trafficking in the northern part of the state.
27. Revises certain staffing and office requirements for the board of tax and land appeals.
28. Extends an appropriation to the housing champion designation and grant program fund.
29. Establishes the division of planning and community development in the department of business and economic affairs.
30. Updates references to the state workforce innovation fund administered by the department of business and economic affairs and the statute authorizing state workforce innovation grants for job training through the department of economic security.
31. Establishes 3-year terms for members of the state commission on aging.
32. Establishes credit limits for courses through the dual and concurrent enrollment program.

HB 2-FN-A-LOCAL - AS INTRODUCED

33. Provides budget transfer authority to the department of corrections.
34. Extends the prospective repeal certain eligibility criteria for mental health services.
35. Suspends graduate medical eligibility payments for the biennium.
36. Directs the department of health and human services to submit a Medicaid state plan amendment to suspend catastrophic aid payments to hospitals for the biennium.
37. Authorizes the department of health and human services to accept additional federal funds, with fiscal committee approval, for the Medicaid to schools program if necessary.
38. Extends a prior appropriation to the WIC Farmers' Market Nutrition Program.
39. Permits the department of health and human services to accept gifts for the benefit of certain residential placements operated by the department.
40. Establishes certain unclassified positions within the department of health and human services.
41. Suspends congregate housing services for the biennium.
42. Revises criteria for pharmacists filling name brand and generic drug prescriptions under the Medicaid program.
43. Extends a prior appropriation for the pilot program for young adults with developmental disabilities.
44. Extends the effective date for expanded access to court-appointed counsel for children in dependency proceedings.
45. Directs the department of health and human services to file an amendment to the state Medicaid plan regarding prescription drug copayments.
46. Directs the department of health and human services to file no more than one Medicaid rate filing with the CMS in each fiscal year of the biennium.
47. Directs the department of health and human services to file a Medicaid waiver and state plan amendment to institute premiums based on income for individuals participating in the granite advantage health care program.
48. Directs the department of health and human services to file a Medicaid waiver and state plan amendment to institute premiums based on income for households with children participating in the Medicaid program.
49. Directs the department of health and human services to restore income verification for Medicaid redetermination to pre-public health emergency income verification standards.
50. Authorizes an additional appropriation to department of health and human services if such funds are required to prevent a waitlist for child care scholarships.
51. Amends the title of certain positions in the department of information technology.
52. Revises the organizational structure of the bureaus within the department of justice, division of legal counsel.
53. Expands the types of purposes for which education trust funds may be used.

HB 2-FN-A-LOCAL - AS INTRODUCED

54. Clarifies the means of calculating average daily membership in attendance for the Virtual Learning Academy Charter School.

55. Authorizes the state board of education to modify determinations of education adequacy grant amounts.

56. Clarifies that certain records held by the executive branch are confidential.

57. Changes the process through which counsel for indigent defendants may apply for reimbursement for services necessary to an adequate defense.

58. Makes changes to the wage claim settlement account fund.

59. Updates the composition and confidentiality of records of the workers compensation appeals board.

60. Changes the process for awarding of elevator inspection certificates.

61. Expands the authority of the labor commissioner to impose civil penalties.

62. Authorizes appeals of certain decisions by the labor commissioner.

63. Directs the proceeds of the sale of the former Laconia state school campus property to be applied to subsequent land, building, and improvements at 1 Granite Place.

64. Establishes the wage claim settlement fund.

65. Changes the number of members on the workers' compensation appeals board and makes changes in the proceedings.

66. Implements a fee for unit owners to obtain a certificate of successful inspection of an elevator or accessibility lift.

67. Provides that a civil penalty of greater than \$2,500 for violations of certain unfair labor practices may be levied only if specifically authorized by law and allows the imposition of civil penalties for violations of workers compensation laws and youth labor laws.

68. Allows for a hearing where the commissioner of labor denies reimbursement for payment for second injuries under the workers compensation law.

69. Allows an employer or employer's insurance carrier to petition for a hearing after denial of reimbursement for payment of additional compensation under the workers compensation law.

70. Provides that the funds in accounting unit 1051 shall not lapse until June 30, 2027.

71. Allows the director of the division of motor vehicles to authorize certain actions regarding a fictitious, facsimile or simulated license to drive a motor vehicle.

72. Allows the department of safety to disseminate driver history records to federal entities or their authorized agents in certain circumstances.

73. Brings the state radio communications systems within the oversight of the director of the division of emergency services.

74. Designates the hazardous materials incident response coordinator as group II retirement-eligible during full-time service.

HB 2-FN-A-LOCAL - AS INTRODUCED

75. Explains the purpose for use of property licensed wheelchair vans.
76. Appropriates funds for continued operation of the Cannon Mountain tramway.
77. Repeals the Benjamin Thompson trust fund.
78. Prevents the lapse of two revolving fund class lines in the operating budget.
79. Suspends revenue sharing with cities and towns under RSA 31-A for the biennium ending June 30, 2027.
80. Repeals certain wastewater state aid grants.
81. Further specifies information required for well monitoring reports.
82. Eliminates certain fees for the construction of sewerage systems.
83. Repeals the aquatic invasive species decal.
84. Repeals a fee system in recognition of services provided by the water supply engineering bureau including the issuance of an operational permit for public water systems.
85. Allows 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 and Horn Pond Dam for the consideration of \$1.
86. Expands the type of educational degree a person may have to serve as a division director for the department of environmental services.
87. Varies the types of experience in public health members of the air resources council may have.
88. Reconfigures some criteria to serve on the waste management council.
89. Reconfigures some criteria to serve on the wetlands council.
90. Increases dam registration fees and sewage disposal fees and ties future increases to the Consumer Price Index.
91. Allows all such moneys in excess of \$10,000 made available, after designation by the governor and council, to be expended by the proper persons or agencies in the state government only with the prior approval of the joint legislative fiscal committee.
92. In certain circumstances, allows every department as defined in RSA 9:1 to transfer funds within and among all accounting units within said department, with the approval of the commissioner of the department of administrative service.
93. Allows the governor to accept public funds, gifts, grants, donations or any other source of funds, for the care, maintenance, repair of, and additions to, the bridges house.
94. Allows the commissioner of the department of administrative services to waive certain requirements when they determine the requirement conflicts with or is contrary to state objectives.
95. Expands the timeframe for the submission of certain reports by the capital project overview committee.

HB 2-FN-A-LOCAL - AS INTRODUCED

96. Provides for the continual and non-lapsing surplus distribution section administrative assessments fund.

97. Allows state agencies to use funds in appropriate budget classes 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 after exhausting any relevant appeal process.

98. Requires for the biennium, in certain circumstances, the lottery commission to apply to the legislative fiscal committee before applying to the governor and executive council for certain funds.

99. Increases the maximum ticket price for lottery drawings.

100. Delineates the criteria for distribution and transfers of certain tax revenues and other fund proceeds.

101. Transfers authority for the appointment of certain inspectors from the office of professional licensure and certification to the department of safety and/or the state fire marshal.

102. Adds a definition of "shop" to include barbershops, mobile barbershops, salons, and any other business location for barbering, cosmetology, or esthetics, in New Hampshire, and makes various changes regarding the regulation of such shops as well as barbering, cosmetology, and esthetics schools.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty 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 1 Bail and Recognizances; Release of a Defendant Pending Trial. RSA 597:2 is repealed and
2 reenacted to read as follows:

3 597:2 Release of a Defendant Pending Trial.

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

7 (a) Released on his or her personal recognizance or upon execution of an unsecured
8 appearance bond, pursuant to the provisions of paragraph III;

9 (b) Released on a condition or combination of conditions pursuant to the provisions of
10 paragraph III;

11 (c) Detained; or

12 (d) Temporarily detained to permit revocation of conditional release pursuant to the
13 provisions of paragraph XII.

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

17 (a) Released on his or her personal recognizance or upon execution of an unsecured
18 appearance bond, pursuant to the provisions of paragraph III;

19 (b) Released on a condition or combination of conditions pursuant to the provisions of
20 paragraph III; or

21 (c) Detained.

22 III.(a) A person may be detained for a period of not more than 36 hours from the time of his
23 or her arrest, excluding weekends and holidays. The court shall order the pre-arraignment or
24 pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured
25 appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the
26 condition that the person not commit a crime during the period of his or her release, and subject to
27 such further condition or combination of conditions that the court may require unless the court
28 determines by a finding of probable cause that such release will not reasonably assure the
29 appearance of the person as required or will endanger the safety of the person or of any other person
30 or the community. The court may also consider, as a factor in its determination under this
31 paragraph or paragraph IV, that a person who is detained as a result of his or her inability to meet

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 2 -

1 the required conditions or post the required bond is the parent and sole caretaker of a child and
2 whether, as a result, such child would become the responsibility of the division for children, youth,
3 and families.

4 (b) If there is probable cause to believe that, on this matter or while on release pending
5 resolution of a previous offense, the person failed to appear; committed a felony, class A
6 misdemeanor, or driving or operating while impaired; or violated a condition of bail; there shall be a
7 rebuttable presumption that the person will not abide by bail conditions, and the person shall be
8 detained. At the bail hearing, the defendant shall be permitted to present evidence and the court
9 shall decide whether such person has rebutted the presumption that release will not reasonably
10 assure the appearance of the person as required or comply with bail conditions.

11 (c) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA
12 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level
13 domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2;
14 felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking
15 under RSA 633:3-a, VI(a); trafficking in persons under RSA 633:7; robbery under RSA 636:1, III;
16 possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer
17 pornography and child exploitation under RSA 649-B; shall not be brought before a bail
18 commissioner and shall, upon arrest, be detained pending arraignment before the court.
19 Arraignment shall occur no later than 36 hours after the arrest, excluding weekends and holidays.
20 At the person's appearance before the court, the court shall order that the person be detained
21 pending trial if the court determines by a finding of probable cause that release of the person is a
22 danger to that person or the public. In determining whether release will endanger the safety of that
23 person or the public, the court may consider all relevant and material factors presented pursuant to
24 paragraph VI. If the court does not find probable cause that the person must be detained, the court
25 shall order the person released pursuant to subparagraph I(b), or, if applicable, temporarily detained
26 pursuant to subparagraph I(d). A person arrested for violating the conditions of his or her bail for an
27 offense listed in this subparagraph shall be held until they can be brought before the court at the
28 first available date. If at a subsequent hearing, the court finds probable cause exists that the person
29 violated the conditions of his or her bail for any of the crimes listed in this subparagraph, the
30 defendant shall be held pending trial.

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 3 -

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

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

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

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

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

19 (1) The condition that the person not commit a crime during the period of release;
20 and

21 (2) Such further conditions or combination of conditions that will reasonably assure
22 the appearance of the person as required and the safety of the person or of any other person or the
23 community, which may include the condition that the person:

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

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

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 4 -

VIII. 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 from having 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 the 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 their 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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 5 -

1 provisions of law governing release pending trial. Probationers and parolees who are arrested and
2 fail to advise their supervisory probation officer or parole officer in accordance with the conditions of
3 probation and parole may be subject to arrest and detention as probation and parole violators.

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

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

11 (a) A hearing in circuit court within 36 hours after the filing of the motion, excluding
12 weekends and holidays on a motion to reconsider the original detention order; and

13 (b) A decision upon a de novo appeal, pursuant to RSA 597:6-e, II, to the superior court
14 within 36 hours of the filing of the appeal, excluding weekends and holidays.

15 XV.(a) Each county may develop criteria to evaluate and determine whether a person is
16 indigent for the purpose of repaying the cost of electronic monitoring. Based on these criteria, the
17 county may render a finding of indigence for the purpose of repaying the costs of electronic
18 monitoring.

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

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

26 2 New Paragraphs; Fish and Game; Endangered Species Conservation Act; Definitions. Amend
27 RSA 212-A:2 by inserting after paragraph V the following new paragraphs:

28 VI. "Commissioner" means the commissioner of the department of environmental services.

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

30 3 Fish and Game; Endangered Species Conservation Act; Conservation Program. Amend RSA
31 212-A:9 to read as follows:

32 212-A:9 Conservation Programs.

33 I. The executive director shall establish such programs, including acquisition of land or
34 aquatic habitat or interests therein, as are deemed necessary for the conservation of endangered or
35 threatened species. The executive director shall utilize all authority vested in the fish and game
36 department to carry out the purposes of this section.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 6 -

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

8 III. All other state departments and agencies, to the extent possible, consistent with their
9 authorities and responsibilities, shall ~~[assist and cooperate with the executive director in the~~
10 ~~furtherance of the purposes of this chapter for the conservation of endangered or threatened species.~~
11 ~~They shall]~~ take such action as is reasonable and prudent to insure that actions authorized, funded,
12 or carried out by them do not appreciably jeopardize the continued existence of such species or result
13 in the destruction or modification of habitat of such species which is determined by the executive
14 director to be critical, by requiring that all such action is designed to avoid ~~[and]~~, minimize, **and**
15 **mitigate** harm to such species and habitat designated as critical. ***Those other departments and***
16 ***agencies may consult with the department of environmental services to carry out the***
17 ***requirements of this paragraph. The executive director shall assist the department of***
18 ***environmental services in carrying out this paragraph.*** For the purpose of this statute,
19 "appreciably jeopardize the continued existence of such species" shall be defined in rules adopted by
20 the executive director pursuant to RSA 541-A. The provisions of RSA 212-A or any rule promulgated
21 under this chapter shall not be applicable to a state department or agency when that state
22 department or agency, in the process of undertaking an action, is required by federal law or
23 regulation to address the environmental impact on wildlife or wildlife habitat, of that action.

24 ***IV. The department of environmental services shall adopt rules under RSA 541-A to***
25 ***implement the requirements of paragraph III and establish a fee schedule for any reviews***
26 ***necessary to carry out those requirements. Such rulemaking shall commence within 30***
27 ***days of the effective date of this paragraph. The revenue collected from this section shall***
28 ***be deposited into the water resources fund established in RSA 482-A:3, III.***

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

31 ***(a) The department shall develop rules to administer this section;***

32 ***(b) Reviews of any permit, approval, or written authorization shall not exceed***
33 ***60 days from receipt of all information as required by rules developed pursuant to***
34 ***subparagraph (a);***

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

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

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

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

10 (a) *RSA 485-A;*

11 (b) *RSA 482-A;*

12 (c) *RSA 483-B;*

13 (d) *RSA 485-A; and*

14 (e) *RSA 236.*

15 4 Department of Environment Services; Position Established; Appropriation.

16 I. There shall be an environmental scientist position established within the department of
17 environmental services, compensated under SOC 19, Payband 8, for the purpose of administering
18 the environmental species act conservation program under RSA 212-A:9, III.

19 II. The sum of \$275,000 for the biennium ending June 30, 2027, which shall not lapse, is
20 hereby appropriated to the department of environmental services for the purposes of administering
21 the department's responsibilities under RSA 212-A:9, III. The governor is authorized to draw a
22 warrant for said sum out of any money in the treasury not otherwise appropriated.

23 5 Fish and Game; Endangered Species Conservation Act; Threatened and Endangered Species
24 Compensatory Mitigation Fund. Amend RSA 212-A:16 to read as follows:

25 212-A:16 Threatened and Endangered Species Compensatory Mitigation Fund.

26 I. There is hereby established in the state treasury a separate fund to be known as the
27 threatened and endangered species compensatory mitigation fund into which payments made
28 pursuant to this section shall be credited. The fund shall be non-lapsing and continually
29 appropriated to the ***fish and game*** department, for the purpose of funding projects that facilitate a
30 net conservation benefit to threatened and endangered species, including, but not limited to critical
31 habitat creation or restoration and the monitoring and maintenance of such areas. The state
32 treasurer shall invest the fund as provided by law and any interest received on such investment
33 shall be credited to the fund. Notwithstanding any other provision of law to the contrary, the
34 executive director may accept payment for deposit into the fund for an unavoidable loss of critical
35 habitat from a proposed activity without the approval of the governor, the governor and council, or
36 the commission. The executive director shall approve disbursements from the fund following
37 consultation with the commissioner [~~of the department of environmental services~~]. The

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 8 -

1 ~~[department]~~ **executive director** shall submit an annual report by October 1, 2022, and every year
2 thereafter, to the fiscal committee, the speaker of the house of representatives, the president of the
3 senate, the house clerk, the senate clerk, the governor, and the state library, summarizing all
4 deposits and expenditures from the fund. The report shall include, but not be limited to a
5 description of all projects undertaken.

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

11 **III.** **The department of environmental services shall adopt rules under RSA 541-A**
12 **regarding when mitigation payments to the fund are required for impacts to threatened**
13 **and endangered species or the habitats of threatened and endangered species, pursuant to**
14 **RSA 206:33-g, II, resulting from the issuance of a permit by the department of**
15 **environmental services, and the calculation of those payments.**

16 6 Public Recreation; New Hampshire Native Plant Protection; Definitions. Amend RSA 217-A:3,
17 VI to read as follows:

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

21 7 Public Recreation; New Hampshire Native Plant Protection; Cooperation with Other State
22 Agencies. Amend RSA 217-A:7 to read as follows:

23 217-A:7 Cooperation with Other State Agencies.

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

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

III. The department of environmental services shall adopt rules to establish the process for requesting a screening and for the environmental review process in paragraph II. 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.

8 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^[5] 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.

9 New Paragraph; Water Management and Protection; Fill and Dredge In Wetlands; Definitions. Amend RSA 482-A:2 by inserting after paragraph VIII the following new paragraph:

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

10 New Paragraph; Water Management and Protection; Fill and Dredge In Wetlands; Definitions. Amend RSA 482-A:2 by inserting after paragraph IX the following new paragraph:

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

11 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,

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 10 -

1 which shall be ~~[\$4]~~ **\$6** per square foot for permanent dock surface area; ~~[\$2]~~ **\$3** per square foot for
2 seasonal dock surface area; and ~~[\$.40]~~ **\$0.60** per square foot for dredge or fill surface area or both.
3 For projects involving only the repair, reconstruction, or reconfiguration of an existing docking
4 structure, the application fee shall be ~~[\$400]~~ **\$600**.

5 (c) The application fee shall be ~~[\$400]~~ **\$600** for minimum impact dredge and fill projects
6 and for non-enforcement related publicly funded and supervised restoration projects as defined by
7 rules, regardless of impact classification, if undertaken by other than the person or persons
8 responsible for causing the restoration to be needed. The application fee for all projects under this
9 chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV,
10 XVI, or XVII through XIX shall be ~~[\$.40]~~ **\$0.60** per square foot of proposed impact, with a minimum
11 fee of ~~[\$400]~~ **\$600** for all such projects that impact fewer than 600 square feet.

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

15 12 New Subparagraph; Water Management and Protection; Fill and Dredge In Wetlands;
16 Excavating and Dredging Permit; Certain Exceptions. Amend RSA 482-A:3, I by inserting after
17 subparagraph (f) the following new subparagraph:

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

25 13 Water Management and Protection; Fill and Dredge In Wetlands; Administrative Provisions.
26 Amend RSA 482-A:11, III(a) to read as follows:

27 III.(a) Upon written notification to the department by a municipal conservation
28 commission~~[-]~~ **or** a local river management advisory committee~~[-, or the New Hampshire Rivers~~
29 ~~Council]~~ that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the
30 department shall not make its decision on the application that is the subject of the notice until it has
31 received and acknowledged receipt of a written report from such commission, local river
32 management advisory committee, or the council, or until 40 days from the date of filing with the
33 municipal clerk of such notice, whichever occurs earlier~~[-, subject to an extension of up to 40 days, as~~
34 ~~permitted by the commissioner, for good cause shown]~~. In connection with any local investigation, a
35 conservation commission may hold a public informational meeting or a public hearing, the record of
36 which shall be made a part of the record of the department. ~~[Where the commissioner grants an~~
37 ~~extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended for up to 40 days as~~

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 11 -

1 ~~agreed to by the applicant and the department.]~~ If a conservation commission[~~]~~ **or** a local river
2 management advisory committee[~~, or the New Hampshire Rivers Council]~~ makes a recommendation
3 to the department in its report, the department shall specifically consider such recommendation and
4 shall make written findings with respect to each issue raised in such report which is contrary to the
5 decision of the department. If notification by a local conservation commission[~~]~~ **or** local river
6 management advisory committee, [~~or the New Hampshire Rivers Council]~~ pursuant to this
7 paragraph, is not received by the department within 14 days following the date the notice is filed
8 with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if
9 no notification has been made.

10 14 Water Management and Protection; Water Pollution and Waste Disposal; Terrain Alteration.
11 Amend RSA 482-A:17, II to read as follows:

12 II.(a) The department shall charge a fee for each review of [~~plans~~] **applications**, including
13 project inspections, required under this section. The [~~plan review~~] **application** fee shall be based on
14 the total area to be disturbed. Except for property subject to RSA 483-B:9, the fee for [~~review of~~]
15 plans encompassing an area of at least 100,000 square feet but less than [~~200,000~~] **150,000** square
16 feet shall be \$3,125. ***The fee for plans encompassing an area of at least 150,000 square feet***
17 ***but less than 200,000 square feet shall be \$6,250.*** For the property subject to RSA 483-B:9, the
18 fee for review of plans encompassing an area of at least 50,000 square feet but less than [~~200,000~~]
19 **150,000** square feet shall be [~~\$3,125~~] **\$5,000 and the fee for plans encompassing an area of at**
20 ***least 150,000 square feet but less than 200,000 square feet shall be \$6,250.*** An additional fee of
21 [~~\$1,250~~] **\$2,500** shall be assessed for each additional area of up to 100,000 square feet to be
22 disturbed. ***For all other projects, the fee shall be \$500 plus \$0.005 per square foot of***
23 ***disturbance.*** No application shall be accepted by the department until the fee required by this
24 paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted
25 for review and shall be deposited in the water resources fund established in RSA 482-A:3, III.
26 ***Starting July 1, 2027, the fees in this paragraph shall be increased annually each July 1 by***
27 ***the percentage increase in consumer prices measured over the previous 12-month period***
28 ***based on the change in the consumer price index, all items, as published by the United***
29 ***States Department of Labor Statistics or any successor or substitute index generally used to***
30 ***determine the purchasing power of the United States dollar. The joint legislative fiscal***
31 ***committee shall be required to approve or deny each requested increase. The commissioner***
32 ***shall adopt rules pursuant to RSA 541-A to implement this paragraph.***

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

36 (c) ***The department shall adopt rules to establish a permit by notification for***
37 ***projects with plans encompassing an area less than 150,000 square feet. The following***

projects shall not qualify for such a permit by notification:

(1) 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

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

15 New Section; Boathouse Requirements. Amend RSA 482-A by inserting after section 26 the following new section:

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, have no second floor, and 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 section, "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.

16 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 482-A:26-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.

17 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 plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 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 to be administered by the department of education. Grants shall be awarded for the purpose of assisting school boards in

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 13 -

1 implementing policies governing student cell phone use in school as described in subparagraph (a).
2 The department shall adopt rules under RSA 541-A to implement and administer the program,
3 including the process for applying for and awarding such grants.

4 18 Effective Date. Section 17 of this act shall take effect 60 days after its passage.

5 19 New Subdivision; Solid Waste Facility Site Evaluation Committee. Amend RSA 149-M by
6 inserting after section 64 the following new subdivision:

Solid Waste Facility Site Evaluation Committee

8 149-M:65 Declaration of Purpose. The legislature and the executive branch recognize that the
9 selection of sites for major solid waste disposal facilities may have significant statewide, regional
10 and local impacts that are not fully evaluated through existing regulatory review. Accordingly, the
11 legislature and the executive branch find that it is in the public interest to establish a procedure to
12 evaluate the local, regional and statewide benefits and burdens of a new major solid waste facility
13 that are not captured by existing regulatory reviews, including noise, odor, aesthetics, local and
14 regional economic impacts, property value impacts, nature and source of waste, need, impacts on
15 tourism, recreation and traffic, and other similar impacts.

16 149-M:66 Definitions. In this subdivision:

17 I. "Acceptance" means a determination by the committee that it finds that the application is
18 complete and ready for consideration.

19 II. "Administrator" means the administrator of the committee established pursuant to RSA
20 149-M:67.

21 III. "Affected municipality" means any municipality or unincorporated place in which any
22 part of a major solid waste disposal facility is proposed to be located and any municipality or
23 unincorporated place from which any part of the proposed major solid waste disposal facility will be
24 visible or audible, including off-site traffic impacts.

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

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

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 14 -

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 per 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.

(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.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 15 -

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

3 (d) Engage personnel in accordance with this chapter.

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

6 149-M:68 Members Appointed By The Governor With The Consent Of Council.

7 I. Members and alternate members appointed under RSA 149-M:67, I(c) and (d) shall serve
8 4-year terms and until their successors are appointed and qualified. Any member chosen to fill a
9 vacancy occurring other than by expiration of a term shall be appointed for the unexpired term of the
10 member who is succeeded.

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

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

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

20 149-M:69 Administrator and Other Committee Support.

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

28 149-M:70 Powers and Duties of the Committee; Rules.

29 I. The committee shall:

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

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

35 (c) Adjudicate enforcement matters.

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 16 -

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

3 II. The committee shall hold hearings as required by this chapter and such additional
4 hearings as it deems necessary and appropriate and, in addition to the requirements under RSA 91-
5 A, ensure adequate and timely public notice of no less than 7 calendar days.

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

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

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

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

24 149-M:71 Prohibitions and Restrictions.

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

34 II. An application for a certificate from the committee shall only be approved or denied by
35 the committee after all other state agency approvals have been obtained. Applications for
36 certificates may be filed and evaluated by the committee concurrently with other state approvals and

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 17 -

1 public hearings may be scheduled concurrently with hearings held by other state agencies as part of
2 their permitting process for the same facility.

3 149-M:72 Application for Certificate.

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

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

11 III. Each application shall:

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

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

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

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

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

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

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

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 18 -

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

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

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

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

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

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

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

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

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

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

26 149-M:73 Disclosure of Ownership.

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

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

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

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 19 -

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 RSA 149-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 per 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 subparagraphs 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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 20 -

1 assistant attorney general as a counsel for the public. The counsel shall represent the public in all
2 aspects of the committee's authority. The counsel shall be accorded all the rights and privileges, and
3 responsibilities of an attorney representing a party in formal action and shall serve until the
4 decision to issue or deny a certificate is final.

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

9 149-M:76 Public Hearing; Studies.

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

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

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

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

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

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

32 VII. The solid waste evaluation committee shall require from the applicant whatever
33 information it deems necessary to assist in the conduct of the hearings, and any investigation or
34 studies it may undertake, and in the determination of the terms and conditions of any certificate
35 under consideration.

36 VIII. The committee and counsel for the public shall conduct such reasonable studies and
37 investigations as they deem necessary or appropriate to carry out the purposes of this chapter and

1 may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties
2 imposed by this chapter, the cost of which shall be borne by the applicant or certificate holder in
3 such amount as may be approved by the committee. The committee and counsel for the public are
4 further authorized to assess the applicant or certificate holder for all travel and related expenses
5 associated with the processing of an application or other proceedings under this chapter.

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

8 149-M:77 Judicial Review.

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

10 149-M:78 Monitoring and Enforcement.

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

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

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

1 fact, or studies required of the applicant, or if the committee determines that the person has violated
2 the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior
3 to any suspension, the committee shall give written notice of its consideration of suspension and of
4 its reasons therefor and shall provide an opportunity for a prompt hearing.

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

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

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

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

20 149-M:79 Records.

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

26 149-M:80 Temporary Suspension of Deliberations.

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

30 149-M:81 Findings and Certificate Issuance.

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

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

36 III. After due consideration of all relevant information regarding the potential siting,
37 including potential significant impacts and benefits, the committee shall determine if issuance of a

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 23 -

1 certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall
2 find that:

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

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

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

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

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

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

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

24 149-M:82 Penalties.

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

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

32 149-M:83 Severability.

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

37 149-M:84 Fund Established; Funding Plan.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 24 -

1 There is hereby established in the office of the state treasurer a nonlapsing, special fund to be
2 known as the solid waste evaluation committee fund. All application and other filing fees received
3 by the committee under this chapter shall be deposited in the fund. All moneys in the fund shall by
4 continually appropriated to the committee and shall be used to pay for operating costs of the
5 committee and the partial salary of the administrator. If the administrator position is vacant, the
6 fund may be used to pay an independent contractor to perform those duties. In the event lawful
7 expenditures of the committee and department in a fiscal year are greater than the total fees and
8 charges held in the solid waste evaluation committee fund, the chairperson of the committee may
9 request, with prior approval of the fiscal committee, that the governor and council authorize
10 additional funding from general funds not otherwise appropriated. Notwithstanding any other
11 provision of law, the committee may engage the department for additional technical, legal, or
12 administrative support to fulfill the requirements of this chapter, the cost of which shall be charged
13 directly to the applicant or major solid waste disposal facility owner.

14 149-M:85 Compensation and Reimbursement.

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

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

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

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

33 149-M:86 Solid Waste Permit Applications Suspended.

34 The department shall not issue any permit approvals for major solid waste facilities until rules
35 are adopted by the committee or until July 1, 2026, whichever is later.

36 20 New Subparagraph; Solid Waste Evaluation Committee Fund. Amend RSA 6:12, I(b) by
37 inserting after subparagraph (399) the following new subparagraph:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 25 -

1 (400) Moneys deposited in the solid waste evaluation committee fund as established
2 in RSA 149-M:84.

3 21 Education Freedom Account Program; Definitions; Eligible Students. RSA 194-F:1, VI is
4 repealed and reenacted to read as follows:

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

8 (a) Has an annual household income at the time the student applies for the program less
9 than or equal to 350 percent of the federal poverty guidelines as updated annually in the Federal
10 Register by the United States Department of Health and Human Services under 42 U.S.C. section
11 9902(2). No income threshold need be met in subsequent years, provided the student otherwise
12 qualifies. Students in the special school district within the department of corrections established in
13 RSA 194:60 shall not be eligible students.

14 (b) Is full-time enrolled in a district in a district or a chartered public school in grades
15 kindergarten through 12 for the preceeding academic year from the first day to the last day of the
16 school year as reported to the department.

17 22 Effective Date. Section 21 shall take effect July 1, 2026.

18 23 New Section; Connecticut Lakes Headwaters Working Forest; OHRV Trails Closure Date.
19 Amend RSA 215-A by inserting after section 3-b the following new section:

20 215-A:3-c Connecticut Lakes Headway Working Forest OHRV Trail Annual Closure Date.

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

24 24 Effective Date. Section 23 of this act shall take effect upon its passage.

25 25 New Paragraph; Definition; Vested. Amend RSA 100-A:1 by inserting after paragraph
26 XXXVII the following new paragraph:

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

30 26 Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

31 XVII. "Earnable compensation" shall mean:

32 (a) For **group I** members who have attained vested status prior to January 1, 2012 the
33 full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday
34 and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance
35 stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers
36 and full-time employees who are employed in paraprofessional or support position, additional pay for
37 instructional activities of full-time faculty of the community college system, and any military

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 26 -

1 differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the
2 member for meals or living quarters if subject to federal income tax, but excluding other
3 compensation except cash incentives paid by an employer to encourage members to retire,
4 supplemental pay paid by the employer while the member is receiving workers' compensation, and
5 teacher development pay that is not part of the contracted annual salary. ~~[Compensation for extra~~
6 ~~and special duty, as reported by the employer, shall be included but limited during the highest 3~~
7 ~~years of creditable service as provided in paragraph XVIII.]~~ However, earnable compensation in the
8 final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2
9 times the higher of the earnable compensation in the 12-month period preceding the final 12 months
10 or the highest compensation year as determined for the purpose of calculating average final
11 compensation, but excluding the final 12 months. Any compensation received in the final 12 months
12 of employment in excess of such limit shall not be subject to member or employer contributions to
13 the retirement system and shall not be considered in the computation of average final compensation
14 Provided that, the annual compensation limit for members of governmental defined benefit pension
15 plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended,
16 shall apply to earnable compensation for all employees[,] **and** teachers[, ~~permanent firemen, and~~
17 ~~permanent policemen~~] who first become eligible for membership in the system on or after July 1,
18 1996. Earnable compensation shall not include compensation in any form paid later than 120 days
19 after the member's termination of employment from a retirement eligible position, with the limited
20 exceptions of disability related severance pay paid to a member or retiree no later than 120 days
21 after a decision by the board of trustees granting the member or retiree disability retirement
22 benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid
23 within 120 days after termination but which, without the consent of the member and not through
24 any fault of the member, was paid more than 120 days after the member's termination. The member
25 shall have the burden of proving to the board of trustees that any severance payment paid later than
26 120 days after the member's termination of employment is earnable compensation and meets the
27 requirements of an asserted exception to the 120-day post-termination payment requirement.

28 (b)(1) For **group I** members who have not attained vested status prior to January 1,
29 2012, the full base rate of compensation paid, as determined by the employer, plus compensation
30 over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs
31 (2)[~~(3), and (4)~~], **and (3)**, any overtime pay, cost of living bonus, annual attendance stipend or
32 bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-
33 time teachers and full-time employees who are employed in paraprofessional or support position,
34 additional pay for instructional activities of full-time faculty of the community college system[,
35 ~~compensation for extra and special duty,~~] and any military differential pay, plus the fair market
36 value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if
37 subject to federal income tax, but excluding other compensation except supplemental pay paid by the

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 27 -

1 employer while the member is receiving workers' compensation and teacher development pay that is
2 not part of the contracted annual salary.

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

5 ~~[(3)]~~ **(2)** Earnable compensation shall not include compensation for extra and special
6 duty for members who commence service on and after July 1, 2011.

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

22 **(c) For group II members who attained vested status prior to September 1, 2013,**
23 **the full base rate of compensation paid, as determined by the employer, plus any overtime**
24 **pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus,**
25 **annual attendance stipend or bonus, additional pay for instructional activities, and any**
26 **military differential pay, plus the fair market value of non-cash compensation paid to, or**
27 **on behalf of, the member for meals or living quarters if subject to federal income tax, but**
28 **excluding other compensation except cash incentives paid by an employer to encourage**
29 **members to retire, supplemental pay paid by the employer while the member is receiving**
30 **workers' compensation. Compensation for extra and special duty, as reported by the**
31 **employer, shall be included but limited during the highest 3 years of creditable service as**
32 **provided in paragraph XVIII. However, earnable compensation in the final 12 months of**
33 **creditable service prior to termination of employment shall be limited to 1-1/2 times the**
34 **higher of the earnable compensation in the 12-month period preceding the final 12 months**
35 **or the highest compensation year as determined for the purpose of calculating average**
36 **final compensation, but excluding the final 12 months. Any compensation received in the**
37 **final 12 months of employment in excess of such limit shall not be subject to member or**

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

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

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

30 *(3) Earnable compensation shall not include incentives to encourage*
31 *members to retire, severance pay, end-of-career additional longevity payments, or pay for*
32 *unused sick or vacation time. Earnable compensation in the final 12 months of creditable*
33 *service prior to termination of employment shall be limited to 1 1/2 times the higher of the*
34 *earnable compensation in the 12-month period preceding the final 12 months or the*
35 *highest compensation year as determined for the purpose of calculating average final*
36 *compensation, but excluding the final 12 months. Any compensation received in the final*
37 *12 months of employment in excess of such limit shall not be subject to member or employer*

1 *contributions to the retirement system and shall not be considered in the computation of*
2 *average final compensation. Provided that, the annual compensation limit for members of*
3 *governmental defined benefit pension plans under section 401(a)(17) of the United States*
4 *Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all*
5 *permanent firemen and permanent policemen who first become eligible for membership in*
6 *the system on or after July 1, 1996. Earnable compensation shall not include compensation*
7 *in any form paid later than 120 days after the member's termination of employment from a*
8 *retirement-eligible position.*

9 27 Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

10 XVIII. "Average final compensation" shall mean:

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

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

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 30 -

1 excess of the full base rate of compensation over all the member's years of service on or after
2 ~~[January 1, 2012]~~ **September 1, 2013**.

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

11 28 Group II Service Retirement Benefits. Amend RSA 100-A:5, II(a) to read as follows:

12 II. Group II Members.

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

28 29 Group II Service Retirement Benefits. Amend RSA 100-A:5, II(b)(2) to read as follows:

29 (2) For members who are in vested status before ~~[January 1, 2012]~~ **September 1,**
30 **2013**, a state annuity which, together with his or her member annuity, shall be equal to 2-1/2
31 percent of his or her average final compensation multiplied by the number of years of his or her
32 creditable service not in excess of 40 years, or for members who commenced service on or after July
33 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent
34 of his or her average final compensation multiplied by the number of years of his or her creditable
35 service not in excess of 42.5 years, and group II members who have not attained vested status prior
36 to ~~[January 1, 2012]~~ **September 1, 2013**, shall be as provided in the transition provisions in RSA
37 100-A:5, II(d) with the maximum number of years of creditable service not in excess of the limits

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 31 -

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.

30 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.

31 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	22 age	47	2.3%
but less than 8 years			
(4) At least 8 years	21 age	46	2.4%
but less than 10 years]			
(1) Less than 1 year	24	age 49	2.1%*
(2) At least 1 years	24	age 49	2.1%*
but less than 2 years			
(3) At least 2 years but	24	age 49	2.1%*
less than 3 years			

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 32 -

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

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

19 32 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted
20 in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing "January 1,
21 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,
22 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);
23 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

24 33 Retirement System; 2026 Change; Group II; Date Change for Application of Retirement
25 Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by
26 replacing "September 1, 2013" with "January 1, 2014": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1,
27 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-
28 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)
29 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.

30 34 Retirement System; 2027 Change; Group II; Date Change for Application of Retirement
31 Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by
32 replacing "January 1, 2014" with "January 1, 2015": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1,
33 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-
34 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)
35 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.

36 35 Retirement System; 2028 Change; Group II; Date Change for Application of Retirement
37 Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 33 -

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.

36 Retirement System; 2029 Change; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions 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.

37 Retirement System; 2030 Change; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions 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.

38 Retirement System; 2031 Change; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions 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.

39 Retirement System; 2032 Change; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions 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.

40 Retirement System; 2033 Change; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions 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.

41 Medical and Surgical Benefits; 2034 Change. 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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 34 -

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

13 42 Definitions; 2034 Change. Amend RSA 100-A:1, XVII(d)(1) to read as follows:

14 (d)(1) For group II members ~~[who have not attained vested status prior to January 1,~~
15 ~~2021]~~ **who commenced service on or after July 1, 2011**, the full base rate of compensation paid,
16 as determined by the employer, plus compensation over base pay. Compensation over base pay shall
17 include, as applicable and subject to subparagraphs (2) and (3), any overtime pay, cost of living
18 bonus, annual attendance stipend or bonus, annual longevity pay, compensation for extra and
19 special duty, and any military differential pay, plus the fair market value of non-cash compensation
20 paid to or on behalf of the member for meals or living quarters if subject to federal income tax, but
21 excluding other compensation except supplemental pay paid by the employer while the member is
22 receiving workers' compensation that is not part of the contracted annual salary.

23 43 Definitions; 2034 Change. Amend RSA 100-A:1, XXXVII(b)(1) through (3) to read as follows:

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

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

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

33 44 Service Retirement Benefits; 2034 Change. Amend RSA 100-A:5, II(a) to read as follows:

34 (a) Any group II member in service, ~~[who is in vested status before January 1,~~
35 ~~2021]~~ **who commenced service prior to July 1, 2011**, who has attained age 45 and completed 20
36 years of creditable service, and any group II member who commenced service on or after July 1, 2011
37 who has attained age 50 and completed 25 years of creditable service~~[-and group II members who~~

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 35 -

1 ~~have not attained vested status prior to January 1, 2021, as provided in the transition provisions in~~
2 ~~RSA 100-A:5, II(d)], or any group II member in service who has attained age 60 regardless of the~~
3 number of years of creditable service, may retire on a service retirement allowance upon written
4 application to the board of trustees setting forth at what time not less than 30 days nor more than 90
5 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during
6 such period of notification the member may have separated from service. Provided, however, that a
7 group II member who commenced service on or after July 1, 2011 shall not receive a service
8 retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age
9 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for
10 each month by which the date on which benefits commence precedes the month after which the
11 member attains 52.5 years of age, by 1/4 of one percent.

12 45 Service Retirement Benefits; 2034 Change. Amend RSA 100-A:5, II(b)(2) to read as follows:

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

23 46 Service Retirement Benefits; 2034 Change. Amend RSA 100-A:5, II(c)(1) to read as follows:

24 (c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member
25 who ~~[is in vested status before January 1, 2021 and]~~ **commenced service prior to July 1,**
26 **2011**, has retired on or after the effective date of this subparagraph after attaining the age of 45
27 with at least 20 years of creditable service, and any group II member who commenced service on or
28 after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of
29 50 with at least 25 years of creditable service, ~~[and group II members who have not attained vested~~
30 ~~status prior to January 1, 2021 who qualify as provided in the transition provisions in RSA 100-A:5,~~
31 ~~II(d),]~~ shall receive a minimum annual service retirement allowance of \$10,000. If such group II
32 member has elected to convert the retirement allowance into an optional allowance for the surviving
33 spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the
34 \$10,000.

35 47 Disability Retirement Benefit; 2034 Changes. Amend RSA 100-A:6, II(b) to read as follows:

36 (b) Upon ordinary disability retirement, the group II member shall receive an ordinary
37 disability retirement allowance which shall consist of: a member annuity which shall be the

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 36 -

1 actuarial equivalent of his or her accumulated contributions at the time of his or her ordinary
2 disability retirement; and a state annuity which, together with his or her member annuity, for
3 members who ~~[are in vested status before January 1, 2012]~~ **commenced service before July 1,**
4 **2011**, shall be equal to 2 1/2 percent of his or her average final compensation at the time of ordinary
5 disability retirement multiplied by the number of years of his or her creditable service not in excess
6 of 40 at the time of ordinary disability retirement, or for members who commenced service on or
7 after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of
8 ordinary disability retirement multiplied by the number of years of his or her creditable service not
9 in excess of 42.5 at the time of ordinary disability retirement, ~~[and group II members who have not~~
10 ~~attained vested status prior to January 1, 2012, shall be as provided in the transition provisions in~~
11 ~~RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of the~~
12 ~~limits under RSA 100-A:6 as provided]~~, however, that such allowance shall not be less than 25
13 percent of the member's final compensation at the time of his or her disability retirement. Members
14 who retire upon ordinary disability or qualify for accidental death benefits as outlined in RSA 100-
15 A:8 shall not be subject to the full age and service requirements listed under RSA 100-A:5, II(d).

16 48 Disability Retirement Benefits; 2034 Change. Amend RSA 100-A:6, II(d)(1) through (3) to
17 read as follows:

18 (1) For members ~~[who are in vested status before January 1, 2021]~~ **who**
19 **commenced service before July 1, 2011**, any group II member who has more than 262/3 years of
20 service, a supplemental disability retirement allowance shall be paid. Such supplement shall be
21 equal to 21/2 percent of his or her average final compensation multiplied by the number of years of
22 his or her creditable service in excess of 262/3 but not in excess of 40 years.

23 (2) For members who commenced service on or after July 1, 2011, any group II
24 member who has more than 331/3 years of service, a supplemental disability retirement allowance
25 shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation
26 multiplied by the number of years of his or her creditable service in excess of 331/3 but not in excess
27 of 42.5 years.

28 ~~[(3) For group II members who have not attained vested status prior to January 1,~~
29 ~~2012, calculation of the supplemental allowance shall use the percentage multipliers for the~~
30 ~~corresponding years of creditable service on January 1, 2012 in the transition provisions in RSA 100-~~
31 ~~A:5, II(d) with the range for the number of excess years for the supplement adjusted proportionally.]~~

32 49 Vested Deferred Retirement Benefit; 2034 Change. Amend RSA 100-A:10, II(b) to read as
33 follows:

34 (b) For members ~~[who are in vested status before January 1, 2021]~~ **who commenced**
35 **service before July 1, 2011**, upon the member's attainment of age 45, provided the member would
36 then have completed 20 years of creditable service, otherwise the subsequent date on which such 20
37 years would have been completed, or for members who commenced service on or after July 1, 2011,

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 37 -

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.

50 Method of Financing; 2034 Change. 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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 38 -

1 of which such deduction is made. The amounts deducted shall be reported to the board of trustees.
2 Each of such amounts, when deducted, shall be paid to the retirement system at such times as may
3 be designated by the board of trustees and credited to the individual account, in the member annuity
4 savings fund, of the member from whose compensation the deduction was made.

5 51 Minimum Age; 2034 Change. Amend RSA 100-A:19-b, II to read as follows:

6 II.(a) For a member ~~[who is in vested status before January 1, 2021]~~ **who commenced**
7 **service prior to July 1, 2011**, and, who has completed 20 or more years of combined creditable
8 service, one year shall be deducted from age 60 for each year of creditable group II service, provided
9 that the age shall not be less than 45 years.

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

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

18 52 Reduced Early Retirement; 2034 Change. Amend RSA 100-A:19-d to read as follows:

19 100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any
20 retirement system member who has creditable service in both group I and group II with at least 10
21 years combined creditable service, and who has attained an age which is at least 45 ~~[for members~~
22 ~~who are in vested status with group II service before January 1, 2012]~~ **for members who**
23 **commenced service before July 1, 2011**, or at least 50 for members who commenced group II
24 service on or after July 1, 2011, and group II members who have not attained vested status prior to
25 January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d), and is within
26 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits
27 commence immediately as a reduced split-benefit service retirement allowance. Application shall be
28 as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service
29 retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit
30 service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total
31 combined length of creditable service, for each month by which the date on which benefits commence
32 precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

33 53 Funding; Appropriations. The sum of \$27,500,000 per state fiscal year is hereby
34 appropriated to the retirement system to fund the cost of benefits under this act. Such sums shall be
35 transferred on July 1 each year until 2034. The governor is authorized to draw a warrant for said
36 sums out of any money in the treasury not otherwise appropriated.

37 54 Repeal. RSA 100-A:5, II(d)(9), relative to group II service retirement benefits.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 39 -

55 Repeal. RSA 100-A:5, II(d)(8), relative to group II service retirement benefits.
56 Repeal. RSA 100-A:5, II(d)(7), relative to group II service retirement benefits.
57 Repeal. RSA 100-A:5, II(d)(6), relative to group II service retirement benefits.
58 Repeal. RSA 100-A:5, II(d)(5), relative to group II service retirement benefits.
59 Repeal. RSA 100-A:5, II(d)(4), relative to group II service retirement benefits.
60 Repeal. RSA 100-A:5, II(d)(3), relative to group II service retirement benefits.
61 Repeal. RSA 100-A:5, II(d)(2), relative to group II service retirement benefits.
62 Repeal. RSA 100-A:5, II(d), relative to group II service retirement benefits.
63 Repeal. RSA 100-A:1, XXXVII(d)(1) relative to group II service retirement definition.
64 Effective Date.

- I. Sections 33 and 54 of this act shall take effect January 1, 2026.
- II. Sections 34 and 55 of this act shall take effect January 1, 2027.
- III. Sections 35 and 56 of this act shall take effect January 1, 2028.
- IV. Sections 36 and 57 of this act shall take effect January 1, 2029.
- V. Sections 37 and 58 of this act shall take effect January 1, 2030.
- VI. Sections 38 and 59 of this act shall take effect January 1, 2031.
- VII. Sections 39 and 60 of this act shall take effect January 1, 2032.
- VIII. Sections 40 and 61 of this act shall take effect January 1, 2033.
- IX. Sections 41 through 52, and 62 of this act shall take effect January 1, 2034.

65 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 use in funding group II retirement reforms to improve recruitment and retention for our law enforcement and first responders and, if there any additional funds, funding the department of safety.

66 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.***

67 Games of Chance; 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."

68 Games of Chance; 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.

69 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.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 41 -

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

4 287-J:2 Enforcement. The commission, with the assistance of the attorney general and the chief
5 of police of any city or town where licensed facilities are located, shall administer and enforce the
6 provisions of this chapter. To enforce the requirements of this chapter, the commission may exercise
7 all rights of enforcement, including but not limited to its subpoena power, investigation authority,
8 and authority to issue administrative orders and fines, granted to the commission by RSA 287-D.

9 287-J:3 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

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

11 II. Information to be required on VLT license applications for VLT licenses for game
12 operators.

13 III. The conducting and operation of video lottery terminals.

14 IV. Accountability controls to ensure game integrity, including, but not limited to, cash,
15 prizes, income, expense and financial reporting, and recordkeeping to be implemented by VLT
16 licensees in addition to requirements set forth in RSA 287-D:22.

17 V. Investigation and enforcement to ensure compliance with this chapter.

18 VI. Other matters related to the proper administration of this chapter.

19 287-J:4 Eligible Operators.

20 I. To be eligible for a VLT license, the applicant must have been licensed or eligible for
21 licensure to sell pari-mutuel pools on historic horse races under RSA 287-D and under RSA 284:22-b
22 as of the effective date of this chapter. A license shall not be permitted to be transferred or sold.

23 II. Applicants eligible to obtain a VLT license pursuant to paragraph I of this section shall
24 submit to background, financial, and suitability checks pursuant to RSA 287-D:11 and RSA 287-
25 D:12, to ensure the applicant's ability to conduct video lottery terminals in accordance with the
26 provisions of RSA 287-D and this chapter. The applicant for a VLT license shall submit to the
27 commission a criminal history records release form, as provided by the division of state police, which
28 authorizes the division of state police to conduct a criminal history records check through its state
29 records and through the Federal Bureau of Investigation and to release a report of the applicant's
30 criminal history and record information, including confidential criminal history record information,
31 to the commission.

32 287-J:5 Operation of Video Lottery Terminals.

33 I. Prior to use all VLTs must have been tested by an independent testing laboratory and
34 approved by the commission to ensure integrity and proper working order.

35 II. VLTs shall not accept a wager in excess of \$25.

36 III. No VLT shall be operated except within the facility of an eligible VLT licensee during
37 the facility's approved hours of play of charitable games.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 42 -

1 IV. VLTs shall operate to ensure a minimum average daily aggregate payback of 88 percent
2 computed for all VLTs operated at each facility on a quarterly basis.

3 V. VLTs shall operate pursuant to any other such characteristics as the commission may
4 establish by rule to safeguard the integrity of gaming in New Hampshire.

5 287-J:6 Revenue Share.

6 I. Each video lottery terminal licensee shall collect a sum equal to 45 percent of gross video
7 lottery revenue for distribution under paragraph II.

8 II.(a) Each licensee shall distribute 35 percent of the amount collected under paragraph I to
9 charitable organizations with whom the licensee contracts on each licensed game date. Each VLT
10 licensee must contract with 2 licensed charitable organizations for each game date.

11 (b) The remainder of the total amount collected by the licensee under paragraph I shall
12 be paid to the commission and distributed as follows:

13 (1) 50 percent for deposit in the education trust fund established by RSA 198:39; and

14 (2) 50 percent for deposit in the general fund.

15 287-J:7 Unclaimed Vouchers.

16 I. Vouchers shall remain valid for 180 days from the date printed, after which the obligation
17 of the VLT licensee to pay the patron any value remaining on a voucher expires.

18 II. Before the end of each calendar month, the VLT licensee shall report and remit the total
19 value of vouchers that expired during the preceding calendar month in a format prescribed by the
20 commission.

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

22 70 Northern Shield. Notwithstanding any other provision of law, the sums of \$500,000 for the
23 fiscal year ending June 30, 2026, and the sum of \$500,000 for the fiscal year ending June 30, 2027,
24 which have been appropriated in HB 1 to the department of safety, shall be paid from the opioid
25 abatement trust fund established under RSA 126-A:83, for the purpose of funding overtime costs for
26 county and local law enforcement officers in Coos, Grafton, Carroll, and Sullivan counties performing
27 law enforcement activities attributable to the substance abuse enforcement program established in
28 RSA 21-P:66 and that support efforts to prevent or reduce overdose deaths and other opioid related
29 harms.

30 71 Board of Tax and Land Appeals; Staff; Offices. Amend RSA 71-B:14, 15 and 16 to read as
31 follows:

32 71-B:14 Staff. ~~[The board shall have upon its staff at least one review appraiser who shall be a~~
33 ~~classified state employee and who shall be competent to review the value of property for tax and~~
34 ~~eminent domain purposes. In addition,]~~ The board shall have such clerical and technical staff as
35 may be necessary within the limits of appropriation made therefor.

36 498-A:15 Clerk; Staff. ~~[The board shall have a clerk who shall be appointed by the board and~~
37 ~~who shall be a classified state employee.]~~ In the exercise of the authority and performance of the

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 43 -

1 duties prescribed by law, the board shall have the authority, within the limits of the appropriation
2 for such purposes, to employ such ~~[other]~~ staff as it shall deem necessary.

3 498-A:16 Offices; Hearings. The board shall be provided with suitable office space in Concord,
4 together with such furnishings and office equipment as shall be necessary for the administration of
5 its business, ***and with a suitable room in which it may hold hearings. Any party may elect to***
6 ***participate in a just compensation hearing under RSA 498-A:24 though electronic or***
7 ***telephonic means consistent with RSA 91-A.*** All hearings before the board shall be open to the
8 public~~[- and each hearing shall be held in the county in which the declaration has been filed unless~~
9 ~~the parties agree to a hearing elsewhere. To the extent of available space, hearings shall be~~
10 ~~conducted in the respective county courthouse; otherwise, they shall be held in such place or places,~~
11 ~~accessible to the public, as the board shall direct].~~

12 72 Appropriations; Housing Champion Designation and Grant Program Fund. Amend 2023,
13 79:466, I to read:

14 I. The sum of \$5,000,000 for the fiscal year ending June 30, 2023, which shall not lapse until
15 June 30, ~~[2025]~~ **2026**, is hereby appropriated to the New Hampshire housing champion designation
16 and grant program fund. The governor is authorized to draw a warrant for said sum out of any
17 money in the treasury not otherwise appropriated.

18 73 Effective Date. Section 72 of this act shall take effect June 30, 2025.

19 74 Department of Business and Economic Affairs; Division of Planning and Community
20 Development Established. The subdivision heading preceding RSA 12-O:53 and RSA 12-O:53 are
21 repealed and reenacted to read as follows:

22 Planning and Community Development

23 12-O:53 Division of Planning and Community Development. There is established within the
24 department the division of planning and community development under the supervision of a
25 classified director of the division of planning and community development. The director of the
26 division of planning and community development shall administer and supervise the programs
27 related to planning and development, broadband, and housing within the department and shall
28 serve under the supervision of the commissioner of the department.

29 12-O:53-a Office of Planning and Development.

30 I. There is established the office of planning and development within the department of
31 business and economic affairs, division of planning and community development. The office shall be
32 under the supervision of the director of the division of planning and community development, who
33 shall serve under the supervision of the commissioner.

34 II. The office of planning and development shall:

35 (a) Plan for the orderly development of the state and the wise management of the state's
36 resources.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 44 -

(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.

75 State Development Plan. Amend the introductory paragraph of RSA 12-O:54, I and 12-O:54, I(a) to read as follows:

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.

76 Change "Director of the Office of Planning and Development" to "Director of the Division of Planning and Community Development". Amend the following RSA provisions by replacing "director of the office of planning and development" with "director of the division of planning and community development": 12-O:57; 17-M:2, V; 21-O:5-a, I(d); 21-P:48, I(h); 36-B:1; 78-A:25, III; 162-L:15, II(b); 233-A:2, I(f); 432:19, II(c); 482-A:32, II(c); 483:8, II; 483-A:6, III.

77 State Development Plan; Office of Planning and Development. Amend the introductory paragraph of RSA 9-A:2 and 9-A:2, I 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~~ **division of planning and community development**, shall:

I. Assist ~~the commissioner~~ in preparing, publishing and revising the comprehensive development plan.

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 45 -

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]~~ **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]~~ **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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 46 -

1 agreement have been reviewed by the attorney general and the commissioner of the department of
2 administrative services.

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

12 79 New Section; Unemployment Compensation; Job Training Program; State workforce
13 Innovation Grants. Amend RSA 282-A by inserting after section 184 the following new section:

14 282-A:185 State Workforce Innovation Grants. In accordance with RSA 282-A:181 through RSA
15 282-A:184, the commissioner of the department of employment security may make grants to New
16 Hampshire employers for the purpose of training employees in accordance with RSA 12-O:45, such
17 grants not to exceed the amounts specified in RSA 282-A:87, IV(a)(2), and not to exceed to any single
18 employer in any grant year the sum of \$70,000, unless first approved by governor and council. The
19 commissioner shall provide the governor and council an information item not less frequently than
20 semi-annually describing all such grants expended pursuant thereto. Such grants shall be made
21 pursuant to a form of agreement that shall be approved by governor and council after review by the
22 attorney general and the commissioner of the department of administrative services.

23 80 Commission on Aging Established; Membership. Amend RSA 19-P:1, IV to read as follows:

24 IV. The members appointed pursuant to subparagraph II(j) shall serve ~~[2-year]~~ **3-year** terms
25 ***effective for appointments made after July 1, 2025;*** provided that initially such members shall
26 serve staggered terms and no such member shall serve more than 2 consecutive terms, with the
27 exception of the chairperson, vice-chairperson, and recorder, who may service an additional term for
28 a total of 3 terms. A council member whose term of office is expiring may continue beyond the end of
29 the term until reappointed or until a successor is nominated. Legislative members shall receive
30 mileage at the legislative rate when attending to the duties of the commission. The first named
31 member of the house of representatives shall convene the organizational meeting of the commission
32 on or before 45 days of passage of this chapter for the purpose of electing officers serving on the
33 commission. A majority of the members shall constitute a quorum. If any member is absent without
34 previously being excused by the chairperson for 3 or more regular meetings, the member may be
35 removed upon a majority vote of the commission.

36 81 Community College System of New Hampshire; Dual and Concurrent Enrollment Program;
37 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.

82 Department of Corrections; Funding Transfer Authority. 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.

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

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

I. The commissioner, assistant commissioner, ~~[director of personnel and information, director of rehabilitative services, and the]~~ division directors, **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.

84 The State Prisons; Sale of Prison Products; Industries Inventory Account. Amend RSA 622:28-a, I to read as follows:

I. 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.

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 48 -

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

8 86 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
9 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV as amended by 2019, 346:64,
10 as amended by 2021, 91:27, and as amended by 2023, 79:215, to read as follows:

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

12 87 Effective Date. Section 86 of this act shall take effect June 30, 2025.

13 88 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
14 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as
15 amended by 2019, 346:61, I, as amended by 2021, 91:404, as amended by 2023, 79:198, to read as
16 follows:

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

18 89 Health and Human Services; Graduate Medical Education Payments Suspended.

19 The commissioner of the department of health and human services shall submit a Title XIX
20 Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to
21 suspend the provision of direct and indirect graduate medical education payments to hospitals as
22 provided in 42 C.F.R. section 413.75 for the biennium ending June 30, 2027. Upon approval of the
23 state plan amendment, and as of the effective date of the state plan amendment, any obligations for
24 payment of direct and indirect graduate medical education shall be suspended for the biennium
25 ending June 30, 2027.

26 90 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The
27 commissioner of the department of health and human services shall submit a Title XIX Medicaid
28 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
29 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2027.

30 91 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For the
31 biennium ending June 30, 2027, in the event funds appropriated in accounting unit 05-95-47-0010-
32 7207 Medicaid to schools are insufficient, the department of health and human services may accept
33 and expend additional federal funds with the prior approval of the fiscal committee of the general
34 court. Any request to the fiscal committee shall include a detailed explanation of the types of
35 assistance the department is providing to school districts to ensure eligibility for reimbursement
36 under the Medicaid to schools program.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 49 -

1 92 Department of Health and Human Services; Division of Medicaid Services. Any funds
2 appropriated to activity 05-95-47-470010, division of Medicaid services, for the biennium ending
3 June 30, 2025, shall not lapse until June 30, 2027, and shall be treated as restricted revenue for the
4 purpose of funding expenditures in account 05-95-47-470010-7948, Medicaid care management. The
5 department of health and human services is authorized to accept and expend any matching federal
6 funds for the purposes of this section without prior approval of the fiscal committee of the general
7 court.

8 93 Effective Date. Section 92 of this act shall take effect June 30, 2025.

9 94 Appropriation; WIC Farmers' Market Nutrition Program. Amend 2023, 79:562 to read as
10 follows:

11 79:562 Appropriation; WIC Farmers' Market Nutrition Program. There is hereby appropriated
12 to the department of health and human services the sum of \$600,000 for the biennium ending June
13 30, 2023, which shall not lapse until June 30, ~~[2025]~~ **2027**, for the purpose of funding the WIC
14 Farmers' Market Nutrition Program in RSA 132:12-f. The governor is authorized to draw a warrant
15 for said sum out of any money in the treasury not otherwise appropriated.

16 95 Effective Date. Section 94 of this act shall take effect June 30, 2025.

17 96 New Paragraph; Gifts to the State. Amend RSA 4:8 by inserting after paragraph II the
18 following new paragraph:

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

23 97 Department of Health and Human Services; Unclassified Positions Established.

24 I. There are hereby established 2 unclassified supervising regional attorney positions in the
25 department of health and human services.

26 II. The salary of the unclassified positions established in paragraph I shall be in accordance
27 RSA 94:1-a, I.

28 III. The incumbents in the classified positions, establish by 2024, 377:8 shall be offered the
29 opportunity to transfer into the unclassified positions established in paragraph I.

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

32 98 Department of Health and Human Services; Bureau of Adult and Elderly Services;
33 Congregate Housing and Services; Suspension. Congregate housing provided for under the Medicaid
34 waiver pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are hereby
35 suspended for the biennium ending June 30, 2027.

36 99 Department of Health and Human Services; Positions Established; Staffing. Amend the
37 introductory clause of RSA 126-A:9, I to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 50 -

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

3 100 Department of Health and Human Services; Positions Established; Staffing. Amend RSA
4 126-A:9, II(b) to read as follows:

5 (b) The commissioner shall appoint a person to each ***unclassified*** position ~~[established~~
6 ~~pursuant to subparagraph (a)]~~ ***authorized by the legislature.*** Any ~~[vacancy]~~ ***vacant position not***
7 ***established under paragraph I*** shall be filled in the same manner as the original appointment.
8 The annual salary of such unclassified employees shall be as prescribed in RSA 94:1-a ***and RSA***
9 ***94:3-b, II.*** The provisions of RSA 21:33-a shall not apply to appointments made under this
10 subparagraph.

11 101 Repeal; Mental Health Medical Supervisor Position. RSA 126-A:9, I(c), relative to
12 appointment of an unclassified mental health medical supervisor, is repealed.

13 102 Department of Health and Human Services; General Provisions; Drug Prescriptions.
14 Amend RSA 126-A:3, V to read as follows:

15 V. Pharmacists shall substitute generically equivalent drug products for all legend and non-
16 legend prescriptions paid for by the department of health and human services, ~~[including the~~
17 ~~Medicaid program,]~~ unless the prescribing practitioner specifies that the brand name drug product is
18 medically necessary. Such notification shall be in the practitioner's own handwriting ***or as***
19 ***otherwise authorized by law or regulation*** and shall be retained ~~[in the pharmacist's file]~~ ***by the***
20 ***pharmacy. Pertaining to Medicaid, pharmacists shall dispense brand name drug products***
21 ***to Medicaid beneficiaries when the brand name drug product is listed on the department's***
22 ***Medicaid preferred drug list, and not substitute generically equivalent drugs.*** The
23 provisions of paragraph III shall not apply to the dispensing by a pharmacy for medical assistance
24 reimbursement for legend and non-legend drugs. The commissioner, in consultation with pharmacy
25 providers, shall establish medical assistance reimbursement for legend and non-legend drugs. For
26 Medicaid fee for service ~~[clients]~~ ***beneficiaries,*** no prior authorization ~~[for generically equivalent~~
27 ~~drugs shall be required]~~ ***shall be required for generic drug products unless the drug class is***
28 ***recommended by the drug utilization review board for clinical appropriateness and safety***
29 ***utilization review.***

30 103 New Paragraph; Department of Health and Human Services; General Provisions. Amend
31 RSA 126-A:3 by inserting after paragraph V the following new paragraph:

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 51 -

(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.

104 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.

105 Effective Date. Section 104 of this act shall take effect June 30, 2025.

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

296:6 Effective Date.

I. Sections 3 and 5 of this act shall take effect August 1, ~~[2026]~~ **2028.**

II. The remainder of this act shall take effect July 1, ~~[2025]~~ **2027.**

107 Department of Health and Human Services; Pharmacy Copays; Medicaid Program. The department of health and human services shall file a Medicaid state plan amendment on or before January 1, 2026, to increase the prescription drug copay amount to \$4, subject to federal limitations on cost sharing and eligibility limitations.

108 Department of Health and Human Services; Medicaid Managed Care. The department of health and human services is hereby directed to complete no more than one Medicaid rate filing with the Centers for Medicare and Medicaid Services each state fiscal year for the biennium ending June 30, 2027.

109 Department of Health and Human Services; New Hampshire Granite Advantage Health Care Program; Premiums Established. The department of health and human services shall file a Medicaid waiver and state plan amendment, if necessary, on or before July 1, 2026, to institute premiums, subject to federal limitations on cost sharing and eligibility limitations, for individuals participating in the Granite Advantage Health Care Program who have income at or above 100 percent of the Federal Poverty Limit.

110 Department of Health and Human Services; Medicaid Program; Premiums Established.
The department of health and human services shall file a Medicaid state plan amendment on or
before January 1, 2026, to institute premiums, subject to federal limitations, for households with
children enrolled in Medicaid with income at or above 255 percent of the federal poverty limit.

111 Department of Health and Human Services; Medicaid Eligibility. To restore income
verification for Medicaid redetermination to pre-public health emergency income verification
standards for the biennium ending June 30, 2027, the department of health and human services
shall allow the federal public health emergency Social Security Act Section 1902e(14)(A) waiver
authorities to expire effective June 30, 2025.

112 Department of Health and Human Services; Appropriation; Child Care Scholarship
Program. To avoid a waitlist for the New Hampshire child care scholarship program, the
commissioner of the department of health and human services may request, with prior approval of
the fiscal committee of the general court, that the governor and council authorize additional funding.
If approved by governor and council, the governor is authorized to draw a warrant for said sum out
of any money in the treasury otherwise not appropriated.

113 Department of Information Technology; Salary Grades for Certain Positions. Amend the
following positions in 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***

114 Department of Justice; Division of Legal Counsel. Amend RSA 7:8-b to read as follows:

7:8-b Division of Legal Counsel.

I. There is hereby established, within the office of the attorney general, a division of legal
counsel. The division shall be supervised by an associate attorney general appointed under RSA
7:16.

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 and 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 7:32-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.]~~

115 Department of Justice; Division of Legal Counsel. Amend RSA 21-M:7 to read as follows:

21-M:7 Division of Legal Counsel.

I. There is established within the department a division of legal counsel. The division shall be supervised by an associate attorney general appointed under RSA 21-M:3.

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 7:32-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.]~~

116 Repeal; Bureau of Civil Law; Regulation of Charitable Trusts. RSA 21-M:11, II(c), relative to responsibility for the regulation of charitable trusts by the bureau of civil law, is repealed.

117 Department of Justice; Private Practice Prohibited. Amend RSA 7:6-d to read as follows:

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.

118 Director of Charitable Trusts; Authority. Amend RSA 7:19, I to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 54 -

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

13 119 Attorney General; Enforcement of the Election Laws. Amend RSA 7:6-c, I to read as
14 follows:

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

26 120 Adequate Education; Education Trust Fund. Amend RSA 198:39, I(m)-(n) to read as
27 follows:

28 (m) To distribute payments to education service providers on behalf of school districts
29 for children with disabilities in certain court ordered placements **pursuant to RSA 186-C:19-b**.

30 (n) **To distribute payments to providers for costs of special education and**
31 **related education services related to** [or placements for an] episode of treatment pursuant to
32 RSA [186-C:19-b] **193:27, VII.**

33 [~~(n)~~] (o) To distribute grants for leased space to approved chartered public schools
34 pursuant to RSA 198:15-hh.

35 (p) **To fund the community college system of New Hampshire's dual and**
36 **concurrent enrollment program pursuant to RSA 188-E:25**

(q) *To distribute grants for cell phone 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.*

121 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.***

122 New Subparagraph; Chartered Public Schools; Funding. Amend RSA 194-B:11, I by inserting after subparagraph (e) the following new subparagraph:

(f) The first 3 payments made pursuant to subparagraph (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.

123 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,]~~ 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.

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:

(a) 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;

(b) The change being considered within the scope of the petition shall have a total adequacy dollar impact greater than \$10,000 for at least one municipality; and

(c) The petition specifically identifies the municipality or municipalities requiring change in the final grant amount and the amount being modified.

124 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph XIII the following new paragraph:

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

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

604-A:6 Services Other Than Counsel.

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 or her 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 shall 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.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 57 -

1 III. The executive director of the judicial council may, upon review of any particular invoice,
2 decline to process such invoice without judicial review, and may direct the attorney to go through the
3 process outline in paragraph I.

4 IV. Vendor invoices and certifications under this section will be retained by the judicial
5 council.

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

7 126 Contract Services. Amend RSA 604-A:6-a to read as follows:

8 604-A:6-a Contract Services. The state of New Hampshire, by the judicial council and with the
9 approval of governor and council, may, within the limits of appropriations, contract with qualified
10 firms or individuals in the state to provide stenographic, ***interpretation, translation,***
11 ***transportation, investigation, and psychological, psychiatric, mental health, and***
12 ***substance abuse evaluations*** and clerical services where, pursuant to RSA 604-A:6, the defendant
13 has been found to be eligible for such services. The executive director of the judicial council shall
14 authorize payments to such individuals and firms as provided for under this section.

15 127 Compensation of Counsel. Amend RSA 604-A:4 to read as follows:

16 604-A:4 Compensation of Counsel.

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

27 ***II. The administrative judges of the circuit and superior court may order that any***
28 ***invoice for fees that falls within the limits of the supreme court rules governing assigned***
29 ***counsel may be submitted directly to the judicial council for review and payment.***

30 ***III. The executive director of the judicial council may, upon review of any***
31 ***particular invoice, decline to process such invoice without judicial review, and may direct***
32 ***the attorney to go through the process outline in paragraph I.***

33 ***IV. Vendor invoices and certifications under this section shall be retained by the***
34 ***judicial council.***

35 128 New Section; Protective Legislation; Payment of Wages; Wage Claim Settlement Account.
36 Amend RSA 275 by inserting after section 53 the following new section:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 58 -

1 275:53-a Wage Claim Settlement Account. A special fund is hereby established in the state
2 treasury for the purpose of receiving and distributing wages in accordance with RSA 275:53, II. The
3 commissioner shall administer the fund. The state treasurer shall be the custodian of the fund, and
4 all moneys in the fund shall be held in trust by the state treasurer and shall not constitute money or
5 property of the state.

6 129 New Subparagraph; Wage Claim Settlement Account. Amend RSA 6:12, I(b) by inserting
7 after subparagraph (399) the following new subparagraph:

8 (400) Moneys deposited in the wage claim settlement account fund established
9 pursuant to RSA 275:53-a.

10 130 Repeal. RSA 281-A:30, relative to the special fund for active cases, is repealed.

11 131 Effective Date. Section 130 of this act shall take effect September 1, 2025.

12 132 Workers Compensation; Hearings and Awards. Amend RSA 281-A:43, II to read as follows:

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

27 133 Workers Compensation; Appeals Board; Composition. Amend RSA 281-A:42-a, I to read as
28 follows:

29 I. There is established a compensation appeals board. ~~[Until January 1, 2024,]~~ The board
30 shall consist of a pool of ~~[33]~~ **27** members, of which ~~[11]~~ **9** members shall represent labor, ~~[11]~~ **9**
31 members shall represent employers or workers' compensation insurers and ~~[11]~~ **9** members shall be
32 attorneys who shall be neutral. ~~[On January 1, 2024, the commissioner shall identify 2 seats from~~
33 ~~each of the 3 sectors that are vacant or of an expired term, and eliminate those seats, reducing the~~
34 ~~entire pool to 27 members in total.]~~ Members of the board shall be appointed by the governor and
35 council from a list of nominees submitted by the commissioner. The commissioner shall submit at
36 least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council
37 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.

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

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 RSA 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, employer, the employer's workers' compensation insurer, the attorneys for the employer or 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.

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 60 -

1 governor and council, containing the transactions of the office and such other matters and
2 recommendations as ~~he~~ ***the labor commissioner*** shall deem proper.

3 136 Workers Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as
4 follows:

5 I.(a) In a controversy as to the responsibility of an employer or the employer's insurance
6 carrier for the payment of compensation and other benefits under this chapter, any party at interest
7 may petition the commissioner in writing for a hearing and award. The petition shall be sent to the
8 commissioner at the department's offices in Concord and shall set forth the reasons for requesting
9 the hearing and the questions in dispute which the applicant expects to be resolved. The
10 commissioner or the commissioner's authorized representative shall schedule a hearing, either in
11 Concord or at a location nearest the employee as determined by the commissioner, by fixing its time
12 and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing
13 date shall be set for a time not to exceed 6 weeks from the date the petition was received. In those
14 instances where an expedited hearing is requested, the petition for hearing shall set forth the facts
15 in sufficient detail to support the request for an expedited hearing. The commissioner, or his or her
16 authorized agent shall, in his or her discretion, determine whether the need exists for an expedited
17 hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner
18 to determine whether such requests are given proper attention. The commissioner shall also identify
19 any overutilization by the requesting parties and responses given to such requests by the
20 commissioner. An annual report of the expedited requests, responses, the number of continuances,
21 the reasons for such continuances, the number of requests for hearing, and the time within which
22 the hearings were held shall be made annually to the advisory council established in RSA 281-A:62.
23 The notice may be given in hand, via first class mail, or, ~~upon consent of the parties,~~ by electronic
24 transmission ***to any party with that party's consent.*** Continuances of any hearing are
25 discouraged; however, should a continuance be necessary, the parties requesting such continuance
26 shall file with the department a written petition for such continuance at least 7 days prior to the
27 hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter, a
28 continuance may only be granted upon the commissioner's finding that a compelling need exists so
29 as to require a continuance. At such hearing, it shall be incumbent upon all parties to present all
30 available evidence and the person conducting the hearing shall give full consideration to all evidence
31 presented. In addition, the person conducting the hearing shall freely and comprehensively examine
32 all witnesses to determine the merits of the matter. Also, the person conducting the hearing may
33 recess the hearing to a date certain and direct the parties, or either of them, to provide such further
34 information that may be necessary to decide the matter. No later than 30 days after the hearing, the
35 commissioner or the commissioner's authorized representative shall render a decision and shall
36 forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized
37 representative, may render a decision at the hearing. Unless excused for good cause shown, or a

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 61 -

1 party has not received notice, failure of any or all parties at interest to appear at a duly scheduled
2 hearing or to petition for a continuance shall bar such parties from any further action concerning an
3 adverse decision, a decision by default, or a dismissal of a petition for hearing and award. The
4 commissioner, or his or her authorized representative, shall serve notice of a pending default, default
5 decision, or dismissal of a petition for hearing and award on the defaulting party via certified mail,
6 return receipt requested. Upon receipt of undeliverable certified mail, the commissioner, or his or
7 her authorized representative, shall stay the proceedings for up to one year from the date of the
8 receipt of undeliverable certified mail during which time the commissioner, or his or her authorized
9 representative, shall make all reasonable attempts to provide notice to the defaulting party. If
10 notice cannot be provided within one year, the commissioner, or his or her authorized representative,
11 shall render a decision in favor of the non-defaulting party.

12 137 Elevator and Accessibility Lifts; Inspection Report and Certificates; Fee; Penalty. Amend
13 RSA 157-B:5, I to read as follows:

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

24 138 Labor Commissioner; Civil Penalties. Amend RSA 273:11-a, I to read as follows:

25 I. In addition to any criminal penalty provided under this title, the commissioner may, after
26 hearing, impose a civil penalty not to exceed \$2,500, ***unless specifically authorized to do so by***
27 ***another provision of law***, as determined by the commissioner, for any violation of the provisions
28 of, or any rule adopted pursuant to, this title, except RSA 273-A, RSA 273-C, and RSA 282-A. All
29 moneys collected under this section shall be deposited into the department of labor restricted fund
30 established in RSA 273:1-b.

31 139 New Subparagraphs; Labor Commissioner; Civil Penalties. Amend RSA 273:11-a, III by
32 inserting after subparagraph (h) the following new subparagraphs:

33 (i) Failure to comply with RSA 281-A regarding the workers compensation law.

34 (j) Violations pursuant to RSA 276-A relative to youth labor laws.

35 140 New Paragraph; Workers Compensation; Payment for Second Injuries from the Special
36 Fund. Amend RSA 281-A:54 by inserting after paragraph X the following new paragraph:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 62 -

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

20 141 New Paragraph; Workers Compensation; Reimbursement for Payment of Additional
21 Compensation. Amend RSA 281-A:55-a by inserting after paragraph II the following new paragraph:

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

25 142 New Hampshire Retirement System. The funds in accounting unit 1051 shall not lapse
26 until June 30, 2027

27 143 New Paragraph; Law Enforcement Training Specialist; Extra Duty. Amend RSA 106-L:5 by
28 inserting after paragraph XX the following new paragraph:

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

36 144 Effective Date. Section 143 of this act shall take effect 60 days after its passage.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 63 -

1 145 Department of Safety; General Fund Lapse to Fire Standards and Training and Emergency
2 Medical Services Fund. Unspent general funds appropriated to the fire safety administration
3 accounting unit 66310000 shall lapse to the fire standards and training and emergency medical
4 services fund established in RSA 21-P:12-d, on June 30, 2026.

5 146 Effective Date. Section 145 of this act shall take effect on June 30, 2026.

6 147 Department of Safety; Prohibitions. Amend RSA 263:12, VI to read as follows:

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

9 148 Department of Safety; Provision for Federal Identification Database Prohibited. Amend
10 RSA 260:14-a, VIII to read as follows:

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

14 149 Department of Safety; Division of Emergency Services and Communications. Amend RSA
15 21-P:48-a, II to read as follows:

16 II. With the approval of the commissioner, the director may employ such necessary
17 technical, clerical, stenographic, and other personnel, and may make such expenditures from state or
18 federal funds as are or may be made available for purposes of emergency services and
19 communications ***and the state radio communications systems.*** The director and other personnel
20 of the division shall be provided with appropriate office space, furniture, equipment, supplies,
21 stationery and printing, and funds for traveling and related expenses, in the same manner as
22 provided for personnel of other state agencies. With general oversight by the assistant
23 commissioner, the director shall coordinate the activities of all organizations for emergency 911
24 telecommunications within the state, state and local, county, and private, and shall maintain liaison
25 with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency
26 telecommunications organizations of other states and of the federal government. The director shall
27 ***also oversee the state radio communications system, which includes infrastructure and any***
28 ***communication systems that directly support interoperable communications and the***
29 ***exchange of information between the public safety answering point/emergency***
30 ***communications center and the first responder, and*** have such additional duties,
31 responsibilities, and authority authorized by applicable laws as may be prescribed by the
32 commissioner.

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

37 150 Department of Safety; Division of Fire Safety. Amend RSA 21-P:15-a to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 64 -

1 21-P:15-a Hazardous Materials Incident Response Coordinator. There is created within the
2 department of safety, division of fire safety, the classified~~[, full-time]~~ position of hazardous materials
3 incident response coordinator. ~~[The position shall be at labor grade 23.]~~ The coordinator~~[shall be~~
4 ~~appointed by the state fire marshal and]~~ shall oversee the preparedness of the state's regional
5 hazardous materials response teams as provided in RSA 21-P:12, III. ***During full-time service as***
6 ***hazardous materials incident response coordinator, the hazardous materials incident***
7 ***response coordinator shall be eligible to be a group II member, if he or she was a group II***
8 ***member or receiving a group II retirement allowance prior to being hired into this***
9 ***position.***

10 151 Department of Safety; Division of Fire Standards and Training and Emergency Medical
11 Services. Amend RSA 153-A:1, I to read as follows:

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

24 152 Department of Safety; Chief of Policy and Planning. Amend RSA 21-P:5-b to read as
25 follows:

26 21-P:5-b Chief of Policy and Planning. The commissioner of safety shall nominate a chief of
27 policy and planning for appointment by the governor, with the consent of the council. The chief of
28 policy and planning shall serve at the pleasure of the commissioner and shall be qualified to hold
29 that position by reason of education and experience and shall perform such duties as are assigned.
30 ***Notwithstanding RSA 100-A:3 or any other law to the contrary, membership in the***
31 ***retirement system shall be optional. If the incumbent opts to become a member of the***
32 ***retirement system, the incumbent may enroll as a group II member if he or she was a group***
33 ***II member or was receiving a group II retirement allowance prior to appointment.***

34 153 Repeal. RSA 11:6, RSA 6:12, I(b)(134), RSA 624:16, V, and 1909, 131, relative to the
35 Benjamin Thompson trust fund, are repealed.

36 154 Budget and Appropriations; Revolving Funds. Amend RSA 9:16-a, II-a(e) to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 65 -

(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.***

155 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2027.

156 Repeal. 2023, 79:512 and 2023, 79:513, relative to wastewater state aid grants, are repealed.

157 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 ~~[3]~~ ***5*** decimal places of precision and referenced to the World Geodetic System 1984 (WGS 84) datum or its successor;

158 Repeal. RSA 485-A:4, IX-a, relative to water pollution and waste disposal, is repealed.

159 Repeal. RSA 487:43, relative to aquatic invasive species decal, is repealed.

160 Repeal. RSA 485:41, VIII, relative to the safe drinking water act, is repealed.

161 New Paragraph; Acquisition by State of Certain Dams and Water Rights; Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph XI the following new 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.

162 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.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 66 -

1 163 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, I to
2 read as follows:

3 I. There is hereby established an air resources council which shall be composed of 11
4 members, including one representing the ~~[steam-power]~~ **electric** generating industry; one
5 representing the oil industry; one representing the natural gas industry; one representing the
6 manufacturing component of industry; one representing the field of municipal government; and 6
7 members appointed at large who shall represent the public interest, one of whom shall be~~[-a-licensed~~
8 ~~practicing physician or other health care professional possessing expertise in the field of public~~
9 ~~health and the health-related impacts of air pollution]~~ **in the field of public health**, one of whom
10 shall represent the field of recreation, and at least one of whom shall represent environmental
11 interests. The council members who shall represent the public interest may not derive any
12 significant portion of their income from persons subject to permits or enforcement orders, and may
13 not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other
14 official or contractual relationship with any person subject to permits or enforcement orders. All
15 potential conflicts of interest shall be adequately disclosed. The members shall be residents of the
16 state and shall be appointed by the governor with the consent of the executive council. Each member
17 shall serve for a term of 4 years.

18 164 Department of Environmental Services; Waste Management Council. Amend RSA 21-O:9,
19 I-II to read as follows:

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 67 -

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

9 165 Department of Environmental Services; Water Council. Amend RSA 21-O:7, I(a) to read as
10 follows:

11 (a) Thirteen of the members shall be public members appointed by the governor, with
12 the consent of the council, who shall serve for terms of 4 years. Of these members, 2 shall represent
13 the industrial interests of the state; one shall represent the vacation home or private recreational
14 interests of the state; one shall represent the agricultural interests of the state; one shall be an
15 employee of any municipal or privately-owned waterworks in the state; one shall be a representative
16 of the septage hauling industry~~[-nominated by the New Hampshire Association of Septage Haulers];~~
17 one shall be a member of a statewide nonprofit conservation or environmental organization; one
18 shall be a treatment plant operator; one shall be a designer or installer of septic systems~~[-nominated~~
19 ~~by the Granite State Designers and Installers Association];~~ one shall represent New Hampshire
20 rivers~~[-nominated by the New Hampshire Rivers Council],~~ and one shall represent New Hampshire
21 lakes~~[-nominated by the New Hampshire Lakes Association].~~ The 2 remaining members shall be
22 appointed and commissioned respectively as the chairman and vice chairman of the council;

23 166 Department of Environmental Services; Wetlands Council. Amend RSA 21-O:5-a, I(f) to
24 read as follows:

25 (f) Eight members of the public appointed by the governor and council for a term of 3
26 years or until a successor is chosen. One of these shall be a member of a municipal conservation
27 commission at the time of appointment~~[-and be one of 3 nominees submitted by the New Hampshire~~
28 ~~Association of Conservation Commissions];~~ one shall be a supervisor, associate supervisor, former
29 associate supervisor, or former supervisor, of a conservation district at the time of appointment~~[-and~~
30 ~~be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts];~~ one
31 shall be a municipal official other than a member of the conservation commission at the time of
32 appointment, ~~[and be nominated by the New Hampshire Municipal Association];~~ one shall be a
33 natural resource scientist~~[-and be one of 3 nominees submitted by the New Hampshire Association of~~
34 ~~Natural Resource Scientists];~~ one shall be a member of the construction industry~~[-and be one of 3~~
35 ~~nominees submitted by the Associated General Contractors of New Hampshire];~~ one shall be a
36 member of the marine industry~~[-and be one of 3 nominees submitted by the New Hampshire Marine~~
37 ~~Trades Association];~~ one shall have experience in environmental protection and resource

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 68 -

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.

167 Water Management and Protection; Dams, Mills, and Flowage; Annual Registration Fee. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the department on January 1 of each calendar year. Yearly dam registration fees shall be based on classification as follows: Low hazard potential = ~~[\$400]~~ **\$440**; Significant hazard potential = ~~[\$750]~~ **\$825**; High hazard potential = ~~[\$1,500]~~ **\$1650**. *Starting July 1, 2027, the fees in this section 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 commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.* If the hazard classification designated by the Federal Energy Regulatory Commission for a dam differs from the classification designated by the department, the annual dam registration fees shall be based on the classification designated by the Federal Energy Regulatory Commission except that a dam which is classified as a non-menace dam by the department shall be exempt from the annual dam registration fee for as long as the dam is classified by the department as a non-menace dam. Revenues from this annual registration are to be collected by the department and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

168 Water Management and Protection; Erection and Inspection of Dams; Preliminary Filing of Information. Amend RSA 482:9, II to read as follows:

II. The filing of the statement required by paragraph I or an application required by RSA 482:5 shall be accompanied by a fee for each statement or application filed. The fee shall be deposited in the dam maintenance fund established in RSA 482:55 to be used for the permitting of dams. The fee shall be as follows:

- (a) Non-hazard potential dam ~~[\$2,000]~~ **\$2,200**
- (b) Low hazard potential dam ~~[\$3,000]~~ **\$3,300**
- (c) Significant hazard potential dam ~~[\$4,000]~~ **\$4,400**
- (d) High hazard potential dam ~~[\$4,000]~~ **\$4,400**

II-a. Starting July 1, 2027, the fees in this section 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 commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.

169 Water Management and Protection; Water Pollution and Waste Disposal; Sewage Disposal Systems; Fees. Amend RSA 485-A:30 to read as follows:

485-A:30 Fees.

I. Any person submitting plans and specifications for a subdivision of land shall pay to the department a fee of [~~\$300~~] **\$450** per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications or an application for a permit by rule as provided in RSA 485-A:33, IV for sewage or waste disposal systems shall pay to the department a fee of [~~\$290~~] **\$450** for each system. Said fee shall be for reviewing such plans and specifications or application for permit by rule, making site inspections, the administration of sludge and septage management programs, and establishing a system for electronic permitting for waste disposal systems, subdivision plans, and permits and approvals under the department's land regulation authority. The fees required by this paragraph shall be paid at the time said plans and specifications or application for permit by rule are submitted and shall be deposited in the subsurface systems fund established in paragraph I-b. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

I-a. In addition to fees required under paragraph I, any person submitting plans and specifications or an application for a permit by rule as provided in RSA 485-A:33, IV for sewage or waste disposal systems shall pay to the department a fee of [~~\$10~~] **\$25** for each system for use in the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. The fees required by this paragraph shall be paid at the time said plans and specifications or application for permit by rule are submitted and shall be deposited in the septage management fund established in paragraph I-c.

I-b. The fees collected under paragraph I shall be deposited in the water resources fund established in RSA 482-A:3, III for the purpose of paying all costs and salaries associated with the subsurface systems program and other land resources management programs.

I-c. There is hereby established the septage management fund into which the fees collected under paragraph I-a shall be deposited. The fund shall be a separate, nonlapsing fund, continually appropriated to the department for the purpose of paying costs associated with the septage handling and treatment facilities grant program or for research, engineering analysis, or septage sampling and analysis by the department to advance septage management in the state of New Hampshire.

II. [Repealed].

II-a. Starting July 1, 2027, the fees in paragraph I and paragraph I-a 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 commissioner shall adopt rules pursuant to RSA 541-A to implement this paragraph.

III. Any person submitting plans and specifications as a resubmission for reapproval of such shall not be required to pay any additional fee under RSA 485-A:30, I or I-a if changes to such plans and specifications would not constitute a new subdivision under the provisions of RSA 485-A:2, XIII.

170 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.

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

124:4 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.

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

I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all accounting units within said department, ***with the approval of the commissioner of the department of administrative services,*** 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.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 71 -

1 173 Bridges House Special Account; Establishing the Bridges House Special Account Fund.
2 Amend RSA 4:9-s to read as follows:

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

10 174 Audits of Federal Grants; Funds Set Aside. Amend RSA 124:16 to read as follows:

11 124:16 Funds Set Aside. Every state department, board, institution, commission or agency
12 which receives federal funds shall set aside an amount equal to the rate approved in the statewide
13 indirect cost plan of the funds received. The amount set aside shall be used to pay for financial and
14 compliance audits as required by the federal government or by state statute. ***The commissioner of***
15 ***the department of administrative services may waive any requirement under this***
16 ***subdivision if the commissioner determines that it is in conflict with, or contrary to, state***
17 ***objectives.***

18 175 Capital Project Overview Committee; Duties. Amend RSA 17-J:4 to read as follows:

19 17-J:4 Duties. The capital project overview committee shall review the status of capital budget
20 projects both during and between legislative sessions. Each state agency with capital budget
21 projects shall report to the department of administrative services, in the format ***and time frame*** the
22 department of administrative services prescribes~~[, for the quarters ending September 30, December~~
23 ~~31, March 31, and June 30]~~. The department of administrative services shall combine these reports
24 and present the summarized report to the capital project overview committee for review ~~[quarterly]~~
25 ***annually*** on~~[the first of November, February, May, and August]~~ ***September 1, for the preceding***
26 ***fiscal year.*** The department of administrative services, division of public works design and
27 construction shall, within 90 days of the approval of funding for any capital budget project, submit a
28 timeline or schedule for such project to the capital project overview committee for review.

29 176 General Provisions; Divisions of Procurement and Support Services, Public Works Design
30 and Construction, and Plant and Property. Amend RSA 21-I:11, I(a)(6)(A)-(B)(i) to read as follows:

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

35 (B) Be maintained by the treasurer in one of 2 separate, restricted funds:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 72 -

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

4 177 New Subparagraph; General Provisions; Division of Accounting Services.. Amend RSA RSA
5 21-I:8, I by inserting after subparagraph (h) the following new subparagraph:

6 (i) After exhausting any relevant appeal process, state agencies may use funds in
7 existing class 60, or other appropriate budget class, to pay any penalties, fines, interest or other
8 costs imposed on the state of New Hampshire by the NH retirement system or by the IRS, relating to
9 employer payments, reporting or audits. The department of administrative services will seek
10 concurrence of the department of justice prior to processing any such payment and will facilitate and
11 charge applicable state agencies as necessary.

12 178 Lottery Commission; Authority Granted.

13 For the biennium ending June 30, 2027, in order to provide sufficient funding to the lottery
14 commission to carry out lottery games that will provide funds for the distribution in accordance with
15 RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of
16 any new games, the expansion of any existing lottery games, or for the purchase of any tickets for
17 new or continuing games. Additionally, no expenditures for consultants shall be made without prior
18 approval by the fiscal committee. If approved, the commission may then apply to the governor and
19 council to transfer funds from the sweepstakes revenue special account. The total of such transfers
20 shall not exceed \$15,000,000 for the biennium ending June 30, 2027.

21 179 Games, Amusements, and Athletic Exhibitions; Horse and Dog Racing; Administrative and
22 Rulemaking Provisions. Amend RSA 284:21-i, II(c)(1) to read as follows:

23 (1) The price for which tickets for drawings shall be sold; not to exceed [~~\$30~~] ***\$50*** per
24 ticket.

25 180 Business Profits Tax; Distribution of Funds. Amend RSA 77-A:20-a, I to read as follows:

26 I. The commissioner shall determine [~~41~~] ***34*** percent of the revenue produced by the tax
27 imposed by RSA 77-A:2 for each fiscal year and shall certify such amounts to the state treasurer by
28 October 1 of that year for deposit in the education trust fund established by RSA 198:39.

29 181 Business Enterprise Tax; Distribution of Funds. Amend RSA 77-E:14, I to read as follows:

30 I. The commissioner shall determine [~~41~~] ***34*** percent of the revenue produced by the tax
31 imposed by RSA 77-E:2 for each fiscal year and shall certify such amounts to the state treasurer by
32 October 1 of that year for deposit in the education trust fund established by RSA 198:39.

33 182 Tobacco Tax; Distribution of Funds. RSA 78:24 is repealed and reenacted to read as follows:

34 78:24 Distribution of Funds.

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 73 -

1 II. The commissioner shall certify such amount to the state treasurer for deposit in the
2 education trust fund established by RSA 198:39. Such estimates shall be certified on June 1,
3 September 1, December 1, and March 1 of each year.

4 183 Tax on Transfer of Real Property; Distribution of Funds. RSA 78-B:13, I is repealed and
5 reenacted to read as follows:

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

9 184 Appropriation; Cannon Mountain Tramway. 2023, 79:510 is repealed and reenacted to read
10 as follows:

11 79:510 Appropriation; Cannon Mountain Tramway. The sum of \$18,000,000 for the fiscal year
12 ending June 30, 2023, is hereby appropriated to the department of natural and cultural resources for
13 the maintenance and operation of the tramway at Cannon Mountain. The governor is authorized to
14 draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any
15 remaining funds hereby appropriated shall lapse to the general fund on July 1, 2025.

16 185 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
17 read as follows:

18 II.(a) The total billings to all counties made pursuant to this section shall not exceed the
19 amounts set forth below for state fiscal years ~~[2024-2025]~~ **2026-2027**:

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

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

22 186 New Paragraph; Revenue Stabilization Reserve Account. Amend RSA 9:13-e by inserting
23 after paragraph V the following new paragraph:

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

29 187 Granite Place. 2023, 79:56 is repealed and reenacted to read as follows:

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

34 188 Department of Energy; Transfer of Funds.

35 The department of energy shall transfer \$10,000,000 from the renewable energy fund,
36 established in RSA 362-F:10, to the general fund.

37 189 Mechanical Licensing; Inspectors. Amend RSA 153:34, I and II to read as follows:

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

7 II. An inspector appointed under this subdivision shall have the authority to enter any
8 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
9 work regulated under this subdivision for the purpose of making such inspection as is necessary to
10 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
11 reasonably obtainable, the **state fire marshal** ~~[executive director of the office of professional~~
12 ~~licensure and certification]~~, or his or her designee, may obtain an administrative inspection warrant
13 under RSA 595-B.

14 190 Electricians; Inspectors. Amend RSA 319-C:5, I to read as follows:

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

19 191 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1
20 by inserting after paragraph XIII the following new paragraph:

21 XIII-a. "Shop" means barbershop, mobile barbershop, and salon as defined in this section, as
22 well as any other business location for barbering, cosmetology, or esthetics in New Hampshire.

23 192 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. Amend RSA 313-A:8, VI
24 and VII to read as follows:

25 VI. The regulation of tanning facilities including:

26 (a) Sanitation and hygiene standards to be met and maintained by tanning facilities;
27 (b) Standards for approving the training curricula and programs used for training
28 tanning device operators;

29 (c) Registering tanning facilities;

30 (d) Standards for the inspection of tanning devices **upon application for initial**
31 **licensure**;

32 (e) Standards for the consumer consent form required under RSA 313-A:30, IV.

33 VII. Criteria for licensing and approval of ~~[schools and their]~~ **school** curriculum;

34 193 New Paragraph; Barbering, Cosmetology, and Esthetics; Rulemaking Authority. Amend
35 RSA 313-A:8 by inserting after paragraph XIV the following new paragraph:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 75 -

XV. 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.

194 Barbering, Cosmetology, and Esthetics; Licensure Required. Amend RSA 313-A:9, II(a) to read as follows:

(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.

195 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10, I(c)(1) to read as follows:

(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

196 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10, III(c)(1) to read as follows:

(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

197 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 ~~[board]~~ **office of professional licensure and certification in accordance with this chapter and criteria established by the board pursuant to RSA 541-A;** or

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

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

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

313-A:13 Qualifications; Estheticians. 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 (e) 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.

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

313-A:19 Shop Licensure.

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 (OSHA) certificate 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 conduct 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.

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.***

201 New Section; Barbering, Cosmetology, and Esthetics; Operating a School. Amend RSA 313-A by inserting after section 19 the following new section:

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 (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.

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

6 202 Barbering, Cosmetology, and Esthetics; Inspectors. RSA 313-A:21 is repealed and reenacted
7 to read as follows:

8 313-A:21 Inspectors.

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

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

20 203 Repeal. RSA 313-A:24, V, relative to applicants for apprentice certificates providing a social
21 security number, is repealed.

22 204 Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1,
23 2025.

LBA
25-1170
2/27/25

**HB 2-FN-A-LOCAL- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.