

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Paragraphs; Fish and Game; Endangered Species Conservation Act; Definitions. Amend
4 RSA 212-A:2 by inserting after paragraph V the following new paragraphs:

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

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

7 2 Fish and Game; Endangered Species Conservation Act; Conservation Program. Amend RSA
8 212-A:9 to read as follows:

9 212-A:9 Conservation Programs.

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

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

21 III. All other state departments and agencies, to the extent possible, consistent with their
22 authorities and responsibilities, shall ~~[assist and cooperate with the executive director in the~~
23 ~~furtherance of the purposes of this chapter for the conservation of endangered or threatened species.~~
24 ~~They shall]~~ take such action as is reasonable and prudent to insure that actions authorized, funded,
25 or carried out by them do not appreciably jeopardize the continued existence of such species or result
26 in the destruction or modification of habitat of such species which is determined by the executive
27 director to be critical, by requiring that all such action is designed to avoid ~~[and]~~, minimize, **and**
28 **mitigate** harm to such species and habitat designated as critical. **Other departments and**
29 **agencies may consult with the executive director or hire their own internal wildlife**
30 **biologists to carry out the requirements of this paragraph. The executive director shall**
31 **assist other departments and agencies in carrying out this paragraph.** For the purpose of
32 this statute, "appreciably jeopardize the continued existence of such species" shall be defined in rules

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1 adopted by the executive director pursuant to RSA 541-A. The provisions of RSA 212-A or any rule
2 promulgated under this chapter shall not be applicable to a state department or agency when that
3 state department or agency, in the process of undertaking an action, is required by federal law or
4 regulation to address the environmental impact on wildlife or wildlife habitat, of that action.

5 ***IV. To meet the requirements of paragraph III, the department of environmental***
6 ***services shall complete the review for any permit, approval, or written authorization***
7 ***required pursuant to RSA 482-A, RSA 485-A, and RSA 236. The department of***
8 ***environmental services shall adopt rules under RSA 541-A to implement the review process***
9 ***and establish a fee schedule for any requested reviews. Such rulemaking shall commence***
10 ***within 90 days of the effective date of this paragraph. The revenue collected from this***
11 ***section shall be deposited into the water resources fund established in RSA 482-A:3, III.***

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

14 ***(a) Reviews shall not exceed 60 days from receipt of all information as required***
15 ***by rules developed pursuant to paragraph IV;***

16 ***(b) The time to complete the review may be extended with written authorization***
17 ***from the applicant;***

18 ***(c) If the agency or department requests additional information from the***
19 ***applicant necessary to complete the review, the time it takes the applicant to respond shall***
20 ***not count against the 60 day timeline in subparagraph (a); and***

21 ***(d) If the review period is not completed within the required timelines, except as***
22 ***provided for in subparagraph (c), then the permit, approval, or written authorization shall***
23 ***be deemed to not appreciably jeopardize the continued existence of a threatened or***
24 ***endangered species.***

25 3 Department of Environment Services; Position Established. There shall be an environmental
26 scientist position established within the department of environmental services, compensated under
27 SOC 19, Payband 8, for the purpose of administering the environmental species act conservation
28 program under RSA 212-A:9, III.

29 4 Fish and Game; Endangered Species Conservation Act; Threatened and Endangered Species
30 Compensatory Mitigation Fund. Amend RSA 212-A:16 to read as follows:

31 212-A:16 Threatened and Endangered Species Compensatory Mitigation Fund.

32 ***I.*** There is hereby established in the state treasury a separate fund to be known as the
33 threatened and endangered species compensatory mitigation fund into which payments made
34 pursuant to this section shall be credited. The fund shall be non-lapsing and continually
35 appropriated to the ***fish and game*** department, for the purpose of funding projects that facilitate a
36 net conservation benefit to threatened and endangered species, including, but not limited to critical
37 habitat creation or restoration and the monitoring and maintenance of such areas. The state

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1 treasurer shall invest the fund as provided by law and any interest received on such investment
2 shall be credited to the fund. Notwithstanding any other provision of law to the contrary, the
3 executive director may accept payment for deposit into the fund for an unavoidable loss of critical
4 habitat from a proposed activity without the approval of the governor, the governor and council, or
5 the commission. The executive director shall approve disbursements from the fund following
6 consultation with the commissioner [~~of the department of environmental services~~]. The
7 [~~department~~] **executive director** shall submit an annual report by October 1, 2022, and every year
8 thereafter, to the fiscal committee, the speaker of the house of representatives, the president of the
9 senate, the house clerk, the senate clerk, the governor, and the state library, summarizing all
10 deposits and expenditures from the fund. The report shall include, but not be limited to a
11 description of all projects undertaken.

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

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

22 5 Public Recreation; New Hampshire Native Plant Protection; Definitions. Amend RSA 217-A:3,
23 VI to read as follows:

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

27 6 Public Recreation; New Hampshire Native Plant Protection; Cooperation with Other State
28 Agencies. Amend RSA 217-A:7 to read as follows:

29 217-A:7 Cooperation with Other State Agencies.

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

34 **II. If another state agency or department requires an environmental review to meet**
35 ***its obligations in paragraph I, they shall consult with the department of environmental***
36 ***services. The department of environmental services may charge a fee of not less than \$50***
37 ***for screening the database for instances of protected species and may charge a fee for***

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1 *providing an environmental review. Such fees shall be sufficient to cover the cost of*
2 *building and maintaining a database for instances of protected species, for screening the*
3 *database for instances of protected species, and for providing an environmental review.*
4 *Fees shall be deposited in the water resources fund established in RSA 482-A:3, III. The*
5 *commissioner of the department of natural and cultural resources shall be responsible for*
6 *providing the data necessary for the database.*

7 *III. The department of environmental services shall adopt rules to establish the*
8 *process for requesting a screening and for the environmental review process in paragraph*
9 *II. Such rulemaking shall begin within 90 days of the effective date of this section. The*
10 *commissioner shall assist and cooperate with the department of environmental services to*
11 *ensure the agency has the information necessary to adequately complete the environmental*
12 *review process.*

13 7 Public Recreation; New Hampshire Native Plant Protection; Natural Heritage Bureau Fund
14 Established. Amend RSA 217-A:7-a to read as follows:

15 217-A:7-a Natural Heritage Bureau Fund Established.

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

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

22 III. Fees shall be fixed in a schedule prepared and revised as necessary by the natural
23 heritage bureau, approved by the commissioner, and established in rules adopted pursuant to RSA
24 541-A. The fees charged under this paragraph shall be deposited in the fund established in
25 paragraph IV.

26 IV. There is hereby established in the office of the state treasurer a fund to be known as the
27 natural heritage bureau fund. Moneys collected under this section and RSA 217-A:6, III shall be
28 deposited in this fund. The fund shall be nonlapsing and continually appropriated to the
29 commissioner [~~for the purposes of providing environmental reviews,~~] for the costs of providing
30 publications or reports to the public, for the costs of providing inventory and information services,
31 and to accomplish the purposes of this chapter.

32 8 New Paragraph; Water Management and Protection; Fill and Dredge In Wetlands;
33 Definitions. Amend RSA 482-A:2 by inserting after paragraph VIII the following new paragraph:

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

36 9 New Paragraph; Water Management and Protection; Fill and Dredge In Wetlands;
37 Definitions. Amend RSA 482-A:2 by inserting after paragraph IX the following new paragraph:

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

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

(b) The application fee for shoreline structure projects shall be ~~[\$400]~~ **\$600** plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be ~~[\$4]~~ **\$6** per square foot for permanent dock surface area; ~~[\$2]~~ **\$3** per square foot for seasonal dock surface area; and ~~[\$.40]~~ **\$0.60** per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be ~~[\$400]~~ **\$600**.

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

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

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

III.(a) Upon written notification to the department by a municipal conservation commission, a local river management advisory committee, or the New Hampshire Rivers Council that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall not make its decision on the application that is the subject of the notice until it has received and acknowledged receipt of a written report from such commission, local river management advisory committee, or the council, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier~~], subject to an extension of up to 40 days, as permitted by the commissioner, for good cause shown].~~ In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. ~~[Where the commissioner grants an extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended for up to 40 days as agreed to by the applicant and the department.]~~ If a conservation commission, a local river management advisory committee, or the New Hampshire Rivers Council makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If

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notification by a local conservation commission, local river management advisory committee, or the New Hampshire Rivers Council pursuant to this paragraph, is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

12 Terrain Alteration. Amend RSA 485-A:17, II to read as follows:

II.(a) The department shall charge a fee for ~~[each review of plans]~~ **applications**, including project inspections, required under this section. ~~[-The plan review fee shall be based on the total area to be disturbed.]~~ **For projects that qualify for a permit by notification allowed by paragraph II-a, the application fee for a permit by notification shall be \$3,125.** Except for ~~[property subject to RSA 483-B:9]~~ **projects that qualify for a permit by notification allowed by paragraph II-a**, the fee for ~~[review of plans]~~ **applications** encompassing an area of at least ~~[100,000]~~ **150,000** square feet but less than 200,000 square feet shall be ~~[\$3,125]~~ **\$6,250**. ~~[For the property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be \$3,125.]~~ An additional fee of ~~[\$1,250]~~ **\$2,500** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. **For any property subject to RSA 483-B:9, the fee for review of plans encompassing an area of at least 50,000 square feet but less than 150,000 square feet shall be \$5,000. For all other projects, the fee shall be \$500 plus \$0.005 per square foot of disturbance.** No application shall be accepted by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the water resources fund established in RSA 482-A:3, III.

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

13 Permit by Notification. RSA 485-A:17, II-a is repealed and reenacted to read as follows:

II-a. By January 1, 2026, the department shall adopt rules to establish a permit by notification for projects with plans encompassing an area less than 150,000 square feet that are not subject to RSA 483-B:9.

14 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 July 1, 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 July 1, 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

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1 acres and all tidal waters up to the high water mark at the level of the mean high tide.

2 15 Water Management and Protection; Fill and Dredge In Wetlands; Restrictions on Use of
3 Structures Built Over the Waters of the State; Penalty. Amend RSA 482-A:27 to read as follows:

4 482-A:27 Penalty. Any person who violates any provision of RSA 482-A:26 **or 482-A:26-a** shall
5 be required to remove the structure or portion of the structure constructed, reconstructed, repaired,
6 converted, or modified in violation of said section and shall be subject to the civil, criminal, and other
7 penalties set forth in RSA 482-A:13, 14, and 14-b. Any criminal fine collected for a violation of RSA
8 482-A:26 shall accrue to the use of the municipality in which the structure is located.

9 16 New Paragraph; Cell Phone Use Policy. Amend RSA 189:1-a by inserting after paragraph IV
10 the following new paragraph:

11 V. School boards and boards of trustees of chartered public schools shall develop and adopt a
12 policy governing the use of student cell phones and other personal electronic communication devices
13 in schools. The policy shall, at a minimum, restrict the use of student personal cell phones during
14 class instruction, with approved exceptions determined by the superintendent or their designee for
15 student medical, disability, or language proficiency needs. School district policies shall not prohibit
16 students with medical needs, such as insulin pumps and glucose sensors, or students with
17 disabilities, from using a device necessary to support their learning as identified in their
18 individualized education program (IEP) or a plan developed under Section 504 of the Rehabilitation
19 Act of 1973, 29 U.S.C. section 794. Policies shall also not prohibit the use of devices required to
20 support emergent multilingual students through appropriate language access programs and services
21 pursuant to Title VI of the Civil Rights Act of 1964.

22 17 New Subdivision; Solid Waste Facility Site Evaluation Committee. Amend RSA 149-M by
23 inserting after section 64 the following new subdivision:

24 Solid Waste Facility Site Evaluation Committee

25 149-M:65 Declaration of Purpose.

26 The legislature and the executive branch recognize that the selection of sites for major solid
27 waste disposal facilities may have significant statewide, regional and local impacts that are not fully
28 evaluated through existing regulatory review. Accordingly, the legislature and the executive branch
29 find that it is in the public interest to establish a procedure to evaluate the local, regional and
30 statewide benefits and burdens of a new major solid waste facility that are not captured by existing
31 regulatory reviews, including noise, odor, aesthetics, local and regional economic impacts, property
32 value impacts, nature and source of waste, need, impacts on tourism, recreation and traffic, and
33 other similar impacts.

34 149-M:66 Definitions. In this subdivision:

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

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1 II. “Administrator” means the administrator of the site evaluation committee established
2 pursuant to RSA 162-H:3-a.

3 III. “Affected municipality” means any municipality or unincorporated place in which any
4 part of a major solid waste disposal facility is proposed to be located and any municipality or
5 unincorporated place from which any part of the proposed major solid waste disposal facility will be
6 visible or audible, including off-site traffic impacts.

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

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

17 VI. “Committee” means the solid waste evaluation committee established by this chapter.

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

19 VIII. “Major solid waste disposal facility” means a location, system, or physical structure for
20 the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste with a
21 proposed waste acceptance rate greater than 100,000 tons per year. Major solid waste disposal
22 facility does not include any facility proposed to be constructed by a New Hampshire municipal
23 government.

24 IX. “Filing” means the date on which the application is first submitted to the committee.

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

27 149-M:67 Solid Waste Evaluation Committee Established.

28 I. There is hereby established a committee to be known as the New Hampshire solid waste
29 evaluation committee consisting of 5 members, as follows:

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

35 (b) The commissioner of the department of environmental services, or designee.

36 (c) Two members and, when required by RSA 149-M:68, an alternate member,
37 appointed by the governor with the consent of the executive council, including a member who serves

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1 on a local conservation commission and a member who has expertise in the private waste
2 management industry.

3 (d) One public member and, when required by RSA 149-M:68, an alternate public
4 member, appointed by the governor with the consent of the executive council as described in RSA
5 149-M:68, with expertise or experience in one or more of the following areas: business management;
6 environmental protection; natural resource protection; solid waste disposal facility design,
7 construction, operation, or management; community and regional planning or economic
8 development; municipal or county government; or the governing of unincorporated places.

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

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

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

16 (a) Serve as presiding officer.

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

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

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

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

23 149-M:68 Members Appointed By The Governor With The Consent Of Council.

24 I. Members and alternate members appointed under RSA 149-M:67, I(c) and (d) shall serve
25 4-year terms and until their successors are appointed and qualified. Any member chosen to fill a
26 vacancy occurring other than by expiration of a term shall be appointed for the unexpired term of the
27 member who is succeeded.

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

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

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

37 149-M:69 Administrator and Other Committee Support.

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

8 149-M:70 Powers and Duties of the Committee; Rules.

9 I. The committee shall:

10 (a) Evaluate and issue any certificate under this chapter for a major solid waste
11 disposal facility.

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

13 (c) Adjudicate enforcement matters.

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

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

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

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

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

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

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

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1 149-M:71 Prohibitions and Restrictions.

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

11 II. Notwithstanding RSA 541-A:29 or any other law to the contrary, an application for a
12 certificate from the committee shall be approved or denied by the committee prior to final decisions
13 on all other state agency permit applications. Applications for certificates may be filed and
14 evaluated by the committee concurrently with other state approvals and public hearings may be
15 scheduled concurrently with hearings held by other state agencies as part of their permitting process
16 for the same facility.

17 III. Notwithstanding paragraph II, for facilities under review by the department for a
18 permit on or prior to July 1, 2025, an application for a certificate from the committee shall be
19 approved or denied after other state agency approvals have been obtained. The committee shall not
20 consider technical questions already considered by other state or federal agencies, nor include terms
21 or conditions in a certificate that have already been reviewed and decided upon by other state or
22 federal agency regulatory reviews.

23 149-M:72 Application for Certificate.

24 I. All applications for a certificate for a major solid waste disposal facility shall be filed with
25 the administrator or the chair of the committee.

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

31 III. To carry out the committee's duties in RSA 149-M:70, each application shall:

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

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

35 (c) Describe how the proposed facility satisfies the criteria listed under RSA 149-
36 M:11,III.

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

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

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

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

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

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

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

23 (k) An assessment of greenhouse gas and other emissions emanating from the facility
24 and from transport of solid waste-related material and by-products to and from the proposed facility.

25 (l) Potential economic benefits to the local area and potential infrastructure
26 improvements associated with the proposed project.

27 (m) Provide such additional information as the committee may require or request to
28 carry out the purpose of this chapter.

29 IV. To the extent any information provided in the application was submitted and considered
30 by a state agency as part of its permitting evaluation and decision under RSA 149-M:71, III, the
31 applicant shall specify what information was so considered and the statutory and regulatory
32 authority for that agency's consideration of the information.

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

36 VI. The committee shall require the applicant to hire an independent third party at the
37 expense of the applicant and agreed upon by the committee in consultation with the municipality

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1 where the facility is proposed to be located, to peer review any assessments provided under this
2 section.

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

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

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

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

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

15 XII. The department shall conduct a review of the application information submitted
16 pursuant to RSA 149-M:72, III(c) to determine whether the facility has demonstrated that it satisfies
17 the criteria in RSA 149-M:11, III. Such review shall be conducted in accordance with RSA 149-M:11.
18 The department shall report its findings to the committee in order to inform the committee's decision
19 on the application.

20 XIII. The committee may deny a permit application based upon the criteria in RSA 149-M:9,
21 IX.

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

24 149-M:73 Disclosure of Ownership.

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

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

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

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

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

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

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

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

8 149-M:74 Application and Filing Fees.

9 I. A person filing with the committee an application for a certificate for a major solid waste
10 disposal facility, shall pay to the committee at the time of filing a fee determined in accordance with
11 the fee schedule described in paragraph II. If an application for a certificate for a major solid waste
12 disposal facility is deemed incomplete pursuant to RSA 149-M:72, VII, and a new application is
13 submitted thereunder, the unused portion of the initial application fee shall be refunded to the
14 applicant or credited to the filing of the new application. The committee may in its discretion
15 provide for a credit or refund in other circumstances that are unforeseen by the applicant.

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

18 (a) Application fee for a major solid waste disposal facility: \$20,000 base charge and
19 \$1,000 per additional 10,000 tons/year throughput in excess of 100,000 tons per year.

20 (b) Filing fees for administrative proceedings:

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

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

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

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

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

32 149-M:75 Counsel for the Public.

33 I. The chair or the administrator shall notify the attorney general of all administrative
34 proceedings. The attorney general may appoint an assistant attorney general as counsel for the
35 public in administrative proceedings. Upon notification that an application for a certificate has been
36 filed with the committee in accordance with RSA 149-M:72, the attorney general shall appoint an
37 assistant attorney general as a counsel for the public. The counsel shall represent the public in all

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

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

8 149-M:76 Public Hearing; Studies.

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

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

15 III. Within 90 days after acceptance of an application for a certificate, the committee shall
16 hold at least one public information session in each the municipality where the proposed facility is
17 proposed to be located.

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

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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

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

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

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

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

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

149-M:79 Records.

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

149-M:80 Temporary Suspension of Deliberations.

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

149-M:81 Findings and Certificate Issuance.

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

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

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

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

3 (a) The applicant has adequate financial, technical, and managerial capability to assure
4 construction, operation, and closure of the facility in continuing compliance with the terms and
5 conditions of the certificate.

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

9 (c) The facility satisfies the criteria in RSA 149-M:11, III.

10 (d) The net public benefit of the facility to the region shall outweigh any adverse impact
11 of the facility on human health, aesthetics, historic preservation, economic impacts to the region,
12 tourism, outdoor recreation, regional and statewide business development, wildlife, noise, odor,
13 traffic impacts, existing land uses, including property values, characteristics and source of waste,
14 and any other impacts assessed as part of the application pursuant to RSA 149-M:72, III.

15 (e) Issuance of a certificate will serve the public interest of the citizens of New
16 Hampshire.

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

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

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

26 149-M:82 Penalties.

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

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

34 149-M:83 Severability.

35 If any provision of this chapter, or application thereof to any person or circumstance is held
36 invalid, the invalidity does not affect other provisions or applications of the chapter which can be

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1 given effect without the invalid provisions or applications, and to this end, the provisions of this
2 chapter are severable.

3 149-M:84 Fund Established; Funding Plan.

4 There is hereby established in the office of the state treasurer a nonlapsing, special fund to be
5 known as the solid waste evaluation committee fund. All application and other filing fees received
6 by the committee under this chapter shall be deposited in the fund. All moneys in the fund shall by
7 continually appropriated to the committee and shall be used to pay for operating costs of the
8 committee and the partial salary of the administrator. If the administrator position is vacant, the
9 fund may be used to pay an independent contractor to perform those duties. Notwithstanding any
10 other provision of law, the committee may engage the department for additional technical, legal, or
11 administrative support to fulfill the requirements of this chapter, the cost of which shall be charged
12 directly to the applicant or major solid waste disposal facility owner.

13 149-M:85 Compensation and Reimbursement.

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

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

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

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

32 V. Compensation shall not be provided to members of the committee for initial meetings
33 conducted prior to acceptance of application fees. The department shall provide support for the
34 adoption of rules established by the committee.

35 149-M:86 Solid Waste Permit Applications Suspended.

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I. The department shall not issue any permit approvals that authorize new capacity for major solid waste disposal facilities until rules are adopted by the committee or until July 1, 2026, whichever is later.

II. Notwithstanding RSA 149-M:9, the department shall not issue any permit to construct or operate a new landfill facility in New Hampshire under RSA 149-M:9 until July 1, 2028. The department may accept applications, evaluate them for completeness, and request more information to make an application complete, but shall not proceed to further evaluation or process any applications, notwithstanding RSA 541-A:29, in order that any evaluation of need, benefit, harm, or appropriateness of the site proposed will await the development of new regulations, data, technologies, and policies.

III. Nothing in paragraph II shall be construed to prohibit the expansion or modification of any landfill facilities on any site on which, as of December 1, 2022, a Resource Conservation and Recovery Act (RCRA) Subtitle D landfill exists that has been permitted in accordance with RSA 149-M:9.

IV. In this section, the term "site" means a single parcel or adjacent parcels, owned in their entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one or more public utility easements traverse the site.

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

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

19 Education Freedom Accounts; Definitions; Eligible Student. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to ~~[350]~~ **400** percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). ~~[No]~~ **After June 30, 2026, no** income threshold need be met in subsequent years **for a kindergarten through grade 12 student to enroll in the EFA program**, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

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

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

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

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XVII. "Earnable compensation" shall mean:

(a) For **group I** members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. ~~[Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.]~~ However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees~~[,]~~ **and** teachers~~[,] permanent firemen, and permanent policemen]~~ who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For **group I** members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs

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(2)~~[(3), and (4)],~~ **and (3)**, any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system~~;~~ ~~compensation for extra and special duty,~~ and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

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

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

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

(c) For group II members who attained vested status prior to September 1, 2013, the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation. Compensation for extra and special duty, as reported by the

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

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

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

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

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

XVIII. "Average final compensation" shall mean:

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

(b) *For group II members who attained vested status prior to September 1, 2013, the average annual earnable compensation shall be calculated based on the member's highest 3 years of creditable service, or all years of creditable service if less than 3 years. For this calculation, the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount paid to the member for extra and special duty over the last 7 years of creditable service on or after July 1, 2009, as reported by the employer in accordance with RSA 100-A:16, VI, or over all years of creditable service on or after July 1, 2009, if less than 7 years.*

~~(b)~~ (c) For group I members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012, the average annual earnable compensation

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of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of inclusion in this calculation, the average percentage of compensation paid in excess of the full base rate of compensation in the highest 5 years shall not exceed the average percentage of compensation paid in excess of the full base rate of compensation over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

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

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

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

II. Group II Members.

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

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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.

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

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

25 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.

26 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

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1	(1) Less than 4 years	24	age 49	2.1%
2	(2) At least 4 years	23	age 48	2.2%
3	but less than 6 years			
4	(3) At least 6 years	22	age 47	2.3%
5	but less than 8 years			
6	(4) At least 8 years	21	age 46	2.4%
7	but less than 10 years]			

8	(1) Less than 1 year	24	age 49	2.1%*
9	(2) At least 1 years	24	age 49	2.1%*
10	but less than 2 years			
11	(3) At least 2 years but	24	age 49	2.1%*
12	less than 3 years			
13	(4) At least 3 years but	24	age 49	2.1%*
14	less than 4 years			
15	(5) At least 4 years	23	age 48	2.2%*
16	but less than 5 years			
17	(6) At least 5 years	23	age 48	2.2%*
18	but less than 6 years			
19	(7) At least 6 years but	22	age 47	2.3%*
20	less than 7 years			
21	(8) At least 7 years but	22	age 47	2.3%*
22	less than 8 years			
23	(9) At least 8 years but	21	age 46	2.4%*
24	less than 9 years			

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

27 Retirement System; 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, 2012" with "September 1, 2013": 21-I:30, VIII; 100-A:1, XXXVII(b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) (except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

28 Retirement System; 2026 Change; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by

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replacing "September 1, 2013" with "January 1, 2014": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII(b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) (except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

29 Retirement System; 2027 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, 2014" with "January 1, 2015": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII(b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d) (except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); and 100-A:19-d.

30 Retirement System; 2028 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, 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.

31 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.

32 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.

33 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.

34 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,

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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.

35 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.

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

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

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

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

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

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

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

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

(a) Any group II member in service, ~~[who is in vested status before January 1, 2021]~~ **who commenced service prior to July 1, 2011**, who has attained age 45 and completed 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of creditable service~~[- and group II members who have not attained vested status prior to January 1, 2021, as provided in the transition provisions in RSA 100-A:5, II(d)]~~, or any group II member in service who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

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

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

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

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

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

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

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

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

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

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

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

(b) For members ~~[who are in vested status before January 1, 2021]~~ **who commenced service before July 1, 2011**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, ~~[and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d),]~~ or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

45 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

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

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

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

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

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

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

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ~~[for members who are in vested status with group II service before January 1, 2012]~~ **for members who**

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1 *commenced service before July 1, 2011*, or at least 50 for members who commenced group II
2 service on or after July 1, 2011, and group II members who have not attained vested status prior to
3 January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d), and is within
4 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits
5 commence immediately as a reduced split-benefit service retirement allowance. Application shall be
6 as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service
7 retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit
8 service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total
9 combined length of creditable service, for each month by which the date on which benefits commence
10 precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

11 48 Funding; Appropriations. The sum of \$27,500,000 per state fiscal year is hereby
12 appropriated to the retirement system to fund the cost of benefits under this act. Such sums shall be
13 transferred on July 1 each year until 2034. The governor is authorized to draw a warrant for said
14 sums out of any money in the treasury not otherwise appropriated.

15 49 Repeal. RSA 100-A:5, II(d)(9), relative to group II service retirement benefits.

16 50 Repeal. RSA 100-A:5, II(d)(8), relative to group II service retirement benefits.

17 51 Repeal. RSA 100-A:5, II(d)(7), relative to group II service retirement benefits.

18 52 Repeal. RSA 100-A:5, II(d)(6), relative to group II service retirement benefits.

19 53 Repeal. RSA 100-A:5, II(d)(5), relative to group II service retirement benefits.

20 54 Repeal. RSA 100-A:5, II(d)(4), relative to group II service retirement benefits.

21 55 Repeal. RSA 100-A:5, II(d)(3), relative to group II service retirement benefits.

22 56 Repeal. RSA 100-A:5, II(d)(2), relative to group II service retirement benefits.

23 57 Repeal. RSA 100-A:5, II(d), relative to group II service retirement benefits.

24 58 Repeal. RSA 100-A:1, XXXVII(d)(1) relative to group II service retirement definition.

25 59 Effective Date.

26 I. Sections 28 and 49 of this act shall take effect January 1, 2026.

27 II. Sections 29 and 50 of this act shall take effect January 1, 2027.

28 III. Sections 30 and 51 of this act shall take effect January 1, 2028.

29 IV. Sections 31 and 52 of this act shall take effect January 1, 2029.

30 V. Sections 32 and 53 of this act shall take effect January 1, 2030.

31 VI. Sections 33 and 54 of this act shall take effect January 1, 2031.

32 VII. Sections 34 and 55 of this act shall take effect January 1, 2032.

33 VIII. Sections 35 and 56 of this act shall take effect January 1, 2033.

34 IX. Sections 36 through 47, and 57 of this act shall take effect January 1, 2034.

35 60 Games of Chance; Definition of High Stakes Tournament. Amend RSA 287-D:1 by inserting
36 after paragraph IX the following new paragraph:

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IX-a. "High-Stakes Tournament" means a tournament of a game of chance in which the required buy-in for participation in the tournament is \$2,500 or greater.

61 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."

XIV. *"Wide-Area Progressive Link" means a networked gaming system that connects electronic gaming devices located at multiple licensed gaming establishments to a common progressive jackpot pool, allowing for contributions from each linked machine, regardless of location, to incrementally increase a shared jackpot prize, which can be won by any eligible player participating on any of the linked devices.*

62 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.

63 New Section; Games of Chance; High-Stakes Tournaments. Amend RSA 287-D by inserting after section 3 the following new section:

287-D:3-a High-Stakes Tournaments. A licensed game operator employer may conduct a high-stakes game of Chance Tournament provided that:

I. The tournament is held at a facility licensed to conduct games of chance under RSA 287-D.

II. The tournament is conducted in accordance with the rules and procedures established by the lottery commission.

III. The game operator submits the tournament structure, entry fees, rake structure, and prize payout distribution to the lottery commission at least 30 days prior to the tournament start date for approval.

IV. The tournament is conducted using approved dealers and equipment.

64 New Section; 24-Hour Gaming and Liquor Sales. Amend RSA 287-D by inserting after section 4-a the following new section:

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287-D:4-b 24-Hour Gaming and Liquor Sales. Any municipality may, by majority vote of its legislative body, authorize gaming facilities licensed under this chapter to operate for up to 24 hours per day. Such authorization may include the ability for such facilities to serve liquor for up to 24 hours per day, notwithstanding any other provision of law.

65 Games, Amusements, and Athletic Exhibitions; Games of Chance; Wagers. RSA 287-D:16 is repealed and reenacted to read as follows:

287-D:16 Wagers. Notwithstanding any other provision of law, no maximum wager shall apply to any game of chance conducted under this chapter, or any historic horse race under RSA 284:22-b, including table games, historic horse racing, and VLT wagers.

66 Games, Amusements, and Athletic Exhibitions; Games of Chance; Prizes. Amend RSA 287-D:20 to read as follows:

287-D:20 Prizes.

I. In games where chips have no monetary value, ***except for high-stakes tournaments, as defined in RSA 287-D:1, XI-a***, 3 percent of all funds collected from players, less moneys used by the lottery commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer to be deposited into the special fund established in RSA 284:21-j. Such payments shall be made once per month not later than the ~~[5th]~~ ***15th*** day of the month for the funds collected in the previous month.

I-a. In high-stakes tournaments, as defined in RSA 287-D:1, XI-a, 5 percent of house winnings, after prizes paid, less moneys used by the lottery commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer to be deposited into the special fund established in RSA 284:21-j. Such payments shall be made once per month not later than the 15th day of the month for the funds collected in the previous month.

II. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the lottery commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the special fund established in RSA 284:21-j. Such payments shall be made once per month not later than the ~~[5th]~~ ***15th*** day of the month for the funds collected in the previous month.

III. Notwithstanding any other provision of law, the cash value of free bets and promotional credits of all table games, historic horse racing (HHR), and VLTs shall be exempted from revenues subject to charity allocation and payments to the state, so long as the cash value of such promotions for each type of game, whether it be table games, HHR, or VLTs, does not exceed 15 percent of the total revenue from that type of game for a given month.

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1 67 Games, Amusements, and Athletic Exhibitions; Games of Chance; Unlawful Gambling
2 Machines. RSA 287-D:26 is repealed and reenacted to read as follows:

3 287-D:26 Unlawful Gambling Machines. No person shall possess or operate any gambling
4 machine, slot machine, or other gaming device, unless specifically authorized under RSA 287-D or
5 RSA 284:22-b, or licensed by the lottery commission.

6 68 New Chapter; Video Lottery Terminals. Amend RSA by inserting after chapter 287-I the
7 following new chapter:

8 CHAPTER 287-J
9 VIDEO LOTTERY TERMINALS

10 287-J:1 Definitions.

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

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

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

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

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

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

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

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

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

32 287-J:2 Enforcement. The commission, with the assistance of the attorney general and the chief
33 of police of any city or town where licensed facilities are located, shall administer and enforce the
34 provisions of this chapter. To enforce the requirements of this chapter, the commission may exercise
35 all rights of enforcement, including but not limited to its subpoena power, investigation authority,
36 and authority to issue administrative orders and fines, granted to the commission by RSA 287-D.

37 287-J:3 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

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- 1 I. The application procedure for VLT licenses for game operators.
- 2 II. Information to be required on VLT license applications for VLT licenses for game
3 operators.
- 4 III. The conducting and operation of video lottery terminals.
- 5 IV. Accountability controls to ensure game integrity, including, but not limited to, cash,
6 prizes, income, expense and financial reporting, and recordkeeping to be implemented by VLT
7 licensees in addition to requirements set forth in RSA 287-D:22.
- 8 V. Investigation and enforcement to ensure compliance with this chapter.
- 9 VI. Other matters related to the proper administration of this chapter.
- 10 287-J:4 Eligible Operators.
 - 11 I. To be eligible for a VLT license, the applicant shall have been licensed or eligible for
12 licensure to sell pari-mutuel pools on historic horse races under RSA 287-D and under RSA 284:22-b
13 as of the effective date of this chapter. A license shall not be permitted to be transferred or sold.
 - 14 II. Applicants eligible to obtain a VLT license pursuant to paragraph I of this section shall
15 submit to background, financial, and suitability checks pursuant to RSA 287-D:11 and RSA 287-
16 D:12, to ensure the applicant's ability to conduct video lottery terminals in accordance with the
17 provisions of RSA 287-D and this chapter. An entity found suitable for gaming by the commission as
18 of the effective date of this chapter shall satisfy paragraph I and RSA 284:22-b. The applicant for a
19 VLT license shall submit to the commission a criminal history records release form, as provided by
20 the division of state police, which authorizes the division of state police to conduct a criminal history
21 records check through its state records and through the Federal Bureau of Investigation and to
22 release a report of the applicant's criminal history and record information, including confidential
23 criminal history record information, to the commission. Floor space allocated to VLTs shall
24 represent no more than 70 percent of a facility's total gaming space.
- 25 287-J:5 Operation of Video Lottery Terminals.
 - 26 I. Prior to use all VLTs shall have been tested by an independent testing laboratory and
27 approved by the commission to ensure integrity and proper working order.
 - 28 II. There shall be no bet limit imposed on VLTs.
 - 29 III. No VLT shall be operated except within the facility of an eligible VLT licensee during
30 the facility's approved hours of play of charitable games.
 - 31 IV. Floor space allocated to VLTs and to historic horse racing terminals, as authorized by
32 RSA 284:22-b, shall represent no more than 70 percent of a facility's total gaming space.
 - 33 V. VLTs shall operate to ensure a minimum average daily aggregate payback of 88 percent
34 computed for all VLTs operated at each facility on a quarterly basis, except for machines that are
35 tied to a wide-area progressive link, which shall have minimum average daily aggregate payback of
36 80 percent. For historic horse racing pools authorized by RSA 284:22-b tied to a wide-area
37 progressive link, the commission on such pools shall be set at a rate no greater than 20 percent.

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

287-J:6 Revenue Share.

I. Each video lottery terminal licensee shall collect a tax equal to 30 percent of gross video lottery revenue, less any free play offered by the operator, for distribution under paragraph II.

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

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

(1) 0.25 percent for payment of problem gaming services by the commission; and

(2) The remaining 64.75 percent restricted to accounting unit 06-56-56-560040-4079 in the department of education for the purpose of distributing state adequacy grants to public school districts.

III. Notwithstanding any other provision of law to the contrary, the cash value of free bets and promotional credits of all table games, historic horse racing, and VLTs shall be exempted from revenues subject to charity allocation and payments to the state, so long as the cash value of such promotions for each type of game, whether table games, historic horse racing, or VLTs, does not exceed 15 percent of the total revenue from that type of game for a given month.

287-J:7 Unclaimed Vouchers.

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

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

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

287-J:8 Election of Central Monitory System or Audit.

I. If the lottery commission elects to implement a central monitoring system for VLTs, the state shall bear all associated costs, including any connectivity fees, service fees, or equipment fees.

II. If the state chooses not to implement a central monitoring system, the state shall be responsible for conducting audits of VLT and associated costs.

69 Opioid Abatement Trust Fund; Substance Abuse Enforcement Program. For the biennium ending June 30, 2027, funds from the opioid abatement trust fund, established under RSA 126-A:83, may be appropriated to the department of safety, as authorized by the general court. The funds are intended to cover overtime costs for county and local law enforcement officers participating in the substance abuse enforcement program, established in RSA 21-P:66. Specifically, the funding may support officers in Coos, Grafton, Carroll, and Sullivan counties in carrying out law enforcement

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activities related to the program, which aims to prevent or reduce overdose deaths and other opioid-related harms.

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

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

70-A Board of Tax and Land Appeals; Staff; Offices. Amend RSA 498-A:15 and RSA 498-A:16 to read as follows:

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

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

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

Planning and Community Development

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

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

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

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II. The office of planning and development shall:

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

(b) Compile, analyze, and disseminate data, information, and research services as necessary to advance the welfare of the state.

(c) Encourage and assist planning, growth management, and development activities of cities and towns and groups of cities and towns with the purpose of encouraging smart growth.

(d) Encourage the coordination and correlation of state planning by agencies of state government.

(e) Participate in interstate, regional, and national planning efforts.

(f) Administer federal and state grant-in-aid programs assigned to the office by statute or executive order.

(g) Participate and advise in matters of land use planning regarding water resources and floodplain management.

(h) Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.

(i) Administer the following programs: the statewide comprehensive outdoor recreation plan, the national flood insurance program, and the land conservation investment program. The office shall employ necessary personnel to administer these programs.

(j) Perform such other duties as the commissioner may assign.

72 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.

73 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.

74 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:

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1 I. Assist ~~[the commissioner]~~ in preparing, publishing and revising the comprehensive
2 development plan.

3 75 New Hampshire Workforce Development; State Workforce Innovation Fund. Amend RSA 12-
4 O:45 to read as follows:

5 12-O:45 State Workforce Innovation Fund.

6 I. There is hereby established the state workforce innovation fund which shall be nonlapsing
7 and administered by the commissioner of the department of business and economic affairs. Said
8 fund shall be for the purpose of receiving financial assistance under the ~~[Workforce Investment Act~~
9 ~~of 1998]~~ **Workforce Innovation and Opportunity Act of 2014** and providing funds for grants and
10 other workforce development initiatives.

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

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

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

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

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

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

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

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

28 (b) The commissioner may enter into contracts and agreements and may take other
29 actions that may be necessary or desirable to effect the transfer to it of operations currently
30 conducted by ~~[the Workforce Opportunity Council, Inc. or the New Hampshire Workforce~~
31 ~~Opportunity Council under the Workforce Investment Act]~~ **the department of business and**
32 **economic affairs**, and to effect the transfer of assets utilized by them in doing so; and, the
33 commissioner may assume, bear, and agree to perform those contracts of ~~[the Workforce Opportunity~~
34 ~~Council, Inc. or the New Hampshire Workforce Opportunity Council]~~ **the state workforce**
35 **innovation board** that may be necessary or desirable for carrying out the purposes of this section.

36 IV. The commissioner of the department of business and economic affairs shall have the
37 authority to enter into such agreements for leasing real property, acquiring goods, and engaging

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1 services to perform Rapid Response activities in accordance with this subdivision. The commissioner
2 shall provide the governor and council an information item not less frequently than semi-annually
3 describing all such agreements and amounts expended pursuant thereto. Such agreements shall be
4 made pursuant to forms of agreement that shall be approved by governor and council which forms of
5 agreement have been reviewed by the attorney general and the commissioner of the department of
6 administrative services.

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

16 76 New Section; Unemployment Compensation; Job Training Program; State workforce
17 Innovation Grants. Amend RSA 282-A by inserting after section 184 the following new section:

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

27 77 Repeal; Commission on Aging. RSA 19-P, relative to the commission on aging, is repealed.

28 78 Health and Human Services Oversight Committee; Reference Removed. Amend RSA 126-
29 A:15, IV to read as follows:

30 IV. Directly or through an ancillary body, the oversight committee shall ~~[serve as the~~
31 ~~legislative liaison for the state commission on aging, established under RSA 19-P:1, and shall]~~
32 consider the major problems facing elderly citizens.

33 79 System of Care for Healthy Aging; Reference Removed. Amend RSA 151-E:27, IV to read as
34 follows:

35 IV. Beginning November 1, 2023, and annually thereafter, the department shall report to
36 the governor~~[- the state commission on aging established in RSA 19-P:1]~~ and the joint legislative

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committee on health and human services established in RSA 126-A:13. The report shall provide detailed information regarding the status of the implementation of this subdivision.

80 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.

81 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.

82 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.

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

Notwithstanding any other law to the contrary, there is hereby appropriated to the department of health and human services the sum of \$5,000,000 for the state fiscal year ending June 30, 2026, and the sum of \$5,000,000 for the state fiscal year ending June 30, 2027, from the opioid abatement trust fund, established under RSA 126-A:83, for the purpose of providing year-round emergency

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1 shelter services to individuals with an opioid and/or co-occurring substance use or mental health
2 disorder. Such shelter programs must provide supportive services designed to assist people obtain
3 recovery and permanent housing to achieve self-sufficiency.

4 84 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
5 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV as amended by 2019, 346:64,
6 as amended by 2021, 91:27, and as amended by 2023, 79:215, to read as follows:

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

8 85 Effective Date. Section 84 of this act shall take effect June 30, 2025.

9 86 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
10 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as
11 amended by 2019, 346:61, I, as amended by 2021, 91:404, as amended by 2023, 79:198, to read as
12 follows:

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

14 87 Health and Human Services; Graduate Medical Education Payments Suspended.

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

22 88 Health and Human Services; Suspension of Catastrophic Aid Payments to Hospitals. The
23 commissioner of the department of health and human services shall submit a Title XIX Medicaid
24 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
25 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2027.

26 89 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For the
27 biennium ending June 30, 2027, in the event funds appropriated in accounting unit 05-95-47-0010-
28 7207 Medicaid to schools are insufficient, the department of health and human services may accept
29 and expend additional federal funds with the prior approval of the fiscal committee of the general
30 court. Any request to the fiscal committee shall include a detailed explanation of the types of
31 assistance the department is providing to school districts to ensure eligibility for reimbursement
32 under the Medicaid to schools program.

33 90 Department of Health and Human Services; Division of Medicaid Services. Any funds
34 appropriated to activity 05-95-47-470010, division of Medicaid services, for the biennium ending
35 June 30, 2025, shall not lapse until June 30, 2027, and shall be treated as restricted revenue for the
36 purpose of funding expenditures in account 05-95-47-470010-7948, Medicaid care management. The
37 department of health and human services is authorized to accept and expend any matching federal

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

3 91 Effective Date. Section 90 of this act shall take effect June 30, 2025.

4 92 Suspension Pending Funding; WIC Farmers' Market Nutrition Program. For the biennium
5 ending June 30, 2027, the WIC farmers' market nutrition program established by RSA 132:12-f shall
6 be suspended until such time as the commissioner of the department of health and human services
7 determines that sufficient funds are available to implement the program.

8 93 New Paragraph; Gifts to the State. Amend RSA 4:8 by inserting after paragraph II the
9 following new paragraph:

10 III. Notwithstanding paragraph I, the commissioner of the department of health and human
11 services may accept gifts of personal property valued at \$250,000 or less for the benefit of the
12 department. The commissioner shall distribute unrestricted gifts based on his or her assessment of
13 departmental needs. The commissioner shall file an annual report to the fiscal committee of the
14 general court and the governor on or before November 1, disclosing the nature and value of all gifts
15 received by the department and how those gifts were allocated.

16 94 Department of Health and Human Services; Unclassified Positions Established.

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

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

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

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

25 95 Department of Health and Human Services; Bureau of Adult and Elderly Services;
26 Congregate Housing and Services; Suspension. Congregate housing provided for under the Medicaid
27 waiver pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are hereby
28 suspended for the biennium ending June 30, 2027.

29 96 Department of Health and Human Services; Positions Established; Staffing. Amend the
30 introductory clause of RSA 126-A:9, I to read as follows:

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

33 97 Department of Health and Human Services; Positions Established; Staffing. Amend RSA
34 126-A:9, II(b) to read as follows:

35 (b) The commissioner shall appoint a person to each **unclassified** position [established
36 pursuant to subparagraph (a)] **authorized by the legislature**. Any [vacancy] **vacant position not**
37 **established under paragraph I** shall be filled in the same manner as the original appointment.

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1 The annual salary of such unclassified employees shall be as prescribed in RSA 94:1-a *and RSA*
2 *94:3-b, II*. The provisions of RSA 21:33-a shall not apply to appointments made under this
3 subparagraph.

4 98 Repeal; Mental Health Medical Supervisor Position. RSA 126-A:9, I(c), relative to
5 appointment of an unclassified mental health medical supervisor, is repealed.

6 99 Department of Health and Human Services; General Provisions; Drug Prescriptions. Amend
7 RSA 126-A:3, V to read as follows:

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

23 100 New Paragraph; Public Health; Department of Health and Human Services; General
24 Provisions. Amend RSA 126-A:3 by inserting after paragraph V the following new paragraph:

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

30 (b) The chief medical officer's standing order, as provided in subparagraph (a), shall also
31 permit non-Medicaid recipients to obtain over-the-counter (non-legend) medications, medical
32 supplies, and laboratory tests pursuant to the standing order. Nothing in this paragraph shall
33 prohibit insurers from applying appropriate medical management techniques or require insurers to
34 pay for the cost of these items unless expressly stated by the insurer's terms of coverage.

35 (c) No health care professional, acting in good faith and with reasonable care, who issues
36 a standing order, or who dispenses, or distributes over-the-counter (non-legend) medications,
37 medical supplies, or laboratory tests by standing order shall be subject to any criminal or civil

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liability, or any professional disciplinary action, for any action authorized by this paragraph or any outcome resulting from an action authorized by this paragraph.

101 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.

102 Effective Date. Section 101 of this act shall take effect June 30, 2025.

103 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.

II. The remainder of this act shall take effect ~~[July 1, 2025]~~ **January 1, 2026.**

104 Department of Health and Human Services; Division for Children, Youth and Families; Classified Positions Established; Appropriation.

I. There is hereby established 3 unclassified staff attorney positions in the department of health and human services for the purposes of fulfilling responsibilities related to expanded access to court-appointed counsel for children in out-of-home placements pursuant to 2024, 296. The salaries of the unclassified positions established in this paragraph shall be established in accordance with RSA 94:1-a, I.

II. From general funds appropriated to the department of health and human services in account 05-95-95-952010-5680, \$155,000 for the fiscal year ending June 30, 2026, and \$310,000 for the fiscal year ending June 30, 2027, shall be used for the purpose of funding the positions established in paragraph I. Notwithstanding any other law to the contrary, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court.

105 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.

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106 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.

107 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.

108 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.

109 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.

110 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.

111 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***

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

7:8-b Division of Legal Counsel.

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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.]~~

113 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.]~~

114 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.

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115 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.

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

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

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

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

118 Education; Special Education; Liability for Children With Disabilities in Certain Court Ordered Placements. Amend RSA 186-C:19-b, V to read as follows:

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V. If the total amount required for court ordered placements or placements for an episode of treatment exceeds the amount appropriated to the department for such payments, the governor is authorized to draw a warrant from the ~~[education trust]~~ **general** fund for such sum to satisfy the state's obligation under this section.

119 Games, Amusements, and Athletic Exhibitions; Lottery; Establishment. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission under RSA 284, RSA 287-D, and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of racing and charitable gaming under RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid shall be ~~[deposited in the education trust fund established under RSA 198:39]~~ **restricted to accounting unit 06-56-56-560040-4079 in the department of education, for the purpose of distributing state adequacy grants to public school districts.**

120 Games, Amusements, and Athletic Exhibitions; Lottery; Operation of Keno Games. Amend RSA 284:47, II to read as follows:

II. A licensee may retain 8 percent of the proceeds from keno games. The remainder, less the administrative costs of the lottery commission and prize payouts, shall be ~~[deposited in the education trust fund established in RSA 198:39]~~ **restricted to accounting unit 06-56-56-560040-4079 in the department of education, for the purpose of distributing state adequacy grants to public school districts.**

121 Games, Amusements, and Athletic Exhibitions; Sports Betting; Proceeds to Education Fund. Amend RSA 287:I-9 to read as follows:

287-I:9 Proceeds to Education Fund. The proceeds received by the commission from sports wagering, less the administrative costs of the commission, prizes paid, and payments for problem gambling services, shall be ~~[deposited in the education trust fund established in RSA 198:39]~~ **restricted to accounting unit 06-56-56-560040-4079 in the department of education, for the purpose of distributing state adequacy grants to public school districts.**

122 Repeal. The following are repealed:

I. RSA 198:39, I(g), relative to using monies in the education trust fund for the statewide assessment program.

II. RSA 198:39, I(j), relative to using monies in the education trust fund to fund school building aid.

III. RSA 198:39, I(k), relative to using monies in the education trust fund for tuition and transportation funds to school districts for students attending career and technical education programs.

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1 IV. RSA 198:39, I(l), relative to using monies in the education trust fund for special
2 education aid to school districts.

3 V. RSA 198:39, I(m), relative to using monies in the education trust fund for payments to
4 education service providers on behalf of school districts for children with disabilities in certain court
5 ordered placements or placements for an episode of treatment.

6 VI. RSA 198:39, I(n), relative to using monies in the education trust fund for grants for
7 leased space to approved chartered public schools.

8 VII. RSA 198:39, II(g), relative to depositing into the education trust fund monies relative to
9 sweepstakes and the lottery.

10 VIII. RSA 198:39, II(j), relative to depositing into the education trust fund monies collected
11 and paid over to the state treasurer by the lottery commission.

12 123 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(c) to read as follows:

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

31 124 New Subparagraph; Chartered Public Schools; Funding. Amend RSA 194-B:11, I by
32 inserting after subparagraph (e) the following new subparagraph:

33 (f) The first 3 payments made pursuant to subparagraph (c) to the Virtual Learning
34 Academy Charter School shall be made based on the estimated end of year full-time student and full-
35 time equivalent student average daily membership in attendance calculation. The department may
36 make a May 1 payment distribution to the Virtual Learning Academy using the most current data to
37 ensure the Virtual Learning Academy Charter School receives an estimated 90 percent of adequacy

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1 distribution before the end of the fiscal year. The department of education may adjust down the
2 December 1 or March 1 payment on the estimated average end of year enrollment during the school
3 year for any charter school with a 20 percent or greater enrollment decline after the first day of
4 school.

5 125 Determination of Education Grants. Amend RSA 198:41, VI to read as follows:

6 VI. ~~[When final determination year data is available, but not later than April 1,]~~ The
7 department shall make a final determination of grant amounts **by October 1**. A municipality's
8 grant estimate shall not be less than 95 percent of the estimate reported pursuant to paragraph IV.
9 The department shall adjust the April grant disbursement required pursuant to RSA 198:42 so that
10 the total amount disbursed for the fiscal year shall match the final grant determination.

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

13 ***(a) The department or a school district petitioned the state board to modify the***
14 ***October 1 grant determination prior to January 15 of the same fiscal year and the school***
15 ***board votes in the affirmative to accept the petition by February 15;***

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

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

20 126 Adequate Representation for Indigent Defendants in Criminal Cases; Services Other Than
21 Counsel. RSA 604-A:6 is repealed and reenacted to read as follows:

22 604-A:6 Services Other Than Counsel.

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

34 II. The administrative judges of the circuit and superior court may designate classes of
35 routine, necessary services, under \$1,500 per service, that are not subject to the procedure above.
36 Invoices classified as routine and necessary may be submitted directly to the judicial council for

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1 review and payment. These invoices shall include a certification by the attorney assigned to the case
2 that the services were necessary to representation in the matter that the attorney was assigned to.

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

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

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

9 127 Contract Services. Amend RSA 604-A:6-a to read as follows:

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

17 128 Compensation of Counsel. Amend RSA 604-A:4 to read as follows:

18 604-A:4 Compensation of Counsel.

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

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

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

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

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1 129 New Section; Protective Legislation; Payment of Wages; Wage Claim Settlement Account.
2 Amend RSA 275 by inserting after section 53 the following new section:

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

8 130 New Subparagraph; Wage Claim Settlement Account. Amend RSA 6:12, I(b) by inserting
9 after subparagraph (399) the following new subparagraph:

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

12 131 Repeal. RSA 281-A:30, relative to the special fund for active cases, is repealed.

13 132 Effective Date. Section 131 of this act shall take effect September 1, 2025.

14 133 Workers Compensation; Hearings and Awards. Amend RSA 281-A:43, II to read as follows:

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

29 134 Workers Compensation; Appeals Board; Composition. Amend RSA 281-A:42-a, I to read as
30 follows:

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

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

23 135 Confidentiality of Workers Compensation Claims. Amend RSA 281-A:21-b to read as
24 follows:

25 281-A:21-b Confidentiality of Workers' Compensation Claims. Proceedings and records of the
26 department of labor **and the compensation appeals board** with respect to workers' compensation
27 claims under RSA 281-A shall be exempt from RSA 91-A. Nothing in this section shall prohibit the
28 department of labor **or the compensation appeals board** from releasing information on a person's
29 claim or claims to the person, the person's legal representative, attorney, health care providers,
30 employer, the employer's workers' compensation insurer, the attorneys for the employer or
31 employer's insurer, or state and federal agencies with relevant jurisdiction. Notwithstanding the
32 provisions of this section, information relating to a person's claim or claims may be released to other
33 parties only with the prior written permission of the claimant.

34 136 Department of Labor; Reports. Amend RSA 273:10 to read as follows:

35 273:10 Reports. [He] **The labor commissioner** shall transmit to the legislature a report upon
36 these matters when [he] **the labor commissioner** shall deem the occasion of sufficient importance,
37 with such recommendations as [he] **the labor commissioner** shall think advisable. [He] **The labor**

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1 **commissioner** shall biennially make a report of the proceedings of the department of labor to the
2 governor and council, containing the transactions of the office and such other matters and
3 recommendations as ~~[he]~~ **the labor commissioner** shall deem proper.

4 137 Workers Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as
5 follows:

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

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

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

I. Subsequent to the inspection of an elevator or accessibility lift, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator or accessibility lift is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator or accessibility lift passes inspection, the commissioner shall furnish an ~~[inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of \$50 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.]~~ **invoice for a fee of \$75 to the unit owner or designee. Upon receipt of the fee, the commissioner shall issue an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner, with a separate fee required for each certificate.**

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

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

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

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

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

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

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

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

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

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

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

145 Effective Date. Section 144 of this act shall take effect on June 30, 2026.

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

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

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

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

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

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

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

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

150 Department of Safety; Division of Fire Standards and Training and Emergency Medical Services. Amend RSA 21-P:12-b, II(f) to read as follows:

(f) License emergency medical care providers, emergency medical service units, emergency medical service instructor/coordinators, emergency medical service training agencies, ~~[emergency medical services dispatchers,]~~ and emergency medical service vehicles~~[-including wheelchair vans for hire]~~.

151 Repeal. RSA 21-P:12-b, II(d), relative to division of fire standards and training and emergency medical services responsibility for a communications network for EMS units, is repealed.

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

21-P:5-b Chief of Policy and Planning. The commissioner of safety shall nominate a chief of policy and planning for appointment by the governor, with the consent of the council. The chief of

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1 policy and planning shall serve at the pleasure of the commissioner and shall be qualified to hold
2 that position by reason of education and experience and shall perform such duties as are assigned.
3 ***Notwithstanding RSA 100-A:3 or any other law to the contrary, membership in the***
4 ***retirement system shall be optional. If the incumbent opts to become a member of the***
5 ***retirement system, the incumbent may enroll as a group II member if he or she was a group***
6 ***II member or was receiving a group II retirement allowance prior to appointment.***

7 153 Repeal. RSA 11:6, RSA 6:12, I(b)(134), RSA 624:16, V, and 1909, 131, relative to the
8 Benjamin Thompson trust fund, are repealed.

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

10 (e) The following classes shall not lapse in the first year of the operating budget: class
11 028-transfers to general services, class 040-indirect costs, class 041-audit funds set aside, class 042-
12 additional fringe benefits, class 061-unemployment compensation, class 062-workers compensation,
13 class 064-retiree pension benefit-health insurance, class-210 bond insurance, ~~and~~ class-211
14 property casualty insurance, ***class-043 debt service treasury, and class 044 debt service other***
15 ***agencies.***

16 155 Repeal. RSA 31-A, relative to revenue sharing with cities and towns, is repealed.

17 156 Repeal. 2023, 79:512 and 2023, 79:513, relative to wastewater state aid grants, are
18 repealed.

19 157 Record of Wells; Monitoring Wells. Amend RSA 482-B:10, I(c)(1) to read as follows:

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

23 158 Repeal. RSA 485-A:4, IX-a, relative to water pollution and waste disposal, is repealed.

24 159 Repeal. RSA 487:43, relative to aquatic invasive species decal, is repealed.

25 160 New Paragraph; Acquisition by State of Certain Dams and Water Rights; Acquisition
26 Authorized. Amend RSA 482:48 by inserting after paragraph XI the following new paragraph:

27 XII. For a consideration of \$1, the department of environmental services may accept an
28 easement from the abutting property owners of all rights necessary for access, and to store
29 equipment during repair, reconstruction, maintaining, and operation of Pequawket Dam in the Town
30 of Conway, Horn Pond Dam in the Town of Wakefield, and Souhegan Site #35 in the Town of New
31 Ipswich for the purpose of repairing and reconstructing these dams. The rights and easements the
32 department is authorized to acquire for the benefit of the state shall be exempt from taxation as long
33 as the easements are held by the state. Except for the \$1 consideration, nothing in this paragraph
34 shall mandate or authorize the expenditure of any funds or capital in relation to its provisions.

35 161 Department Of Environmental Services; Commissioner; Assistant Commissioner; Directors;
36 Chief Operations Officer; Compensation. Amend RSA 21-O:2, III(c) to read as follows:

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(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.

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

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

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

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

- (a) A chairman, representing the public interest;
- (b) Three municipal officials, at least 2 of whom shall be elected officials, representing the public interest ~~[nominated by the New Hampshire Municipal Association];~~
- (c) An expert in public health, representing the public interest;
- (d) A local conservation commission member, representing the public interest ~~[nominated by the New Hampshire Association of Conservation Commissions];~~
- (e) A professor or assistant professor of environmental science or sanitary engineering, representing the public interest;
- (f) A representative of the private waste management industries;

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(g) A licensed sanitary or environmental engineer from private industry;

(h) A representative of the municipal public works field;

(i) A representative of the business or financial communities;

(j) [Repealed.]

(k) A representative of communities which recycle or recover solid waste, representing the public interest~~[-nominated by the New Hampshire Resources Recovery Association];~~ and

(l) A representative of private industries that generate hazardous waste.

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

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

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

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

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

(f) Eight members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment~~[-and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions];~~ one shall be a supervisor, associate supervisor, former associate supervisor, or former supervisor, of a conservation district at the time of appointment~~[-and~~

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~~be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts]; one shall be a municipal official other than a member of the conservation commission at the time of appointment, [and be nominated by the New Hampshire Municipal Association]; one shall be a natural resource scientist[and be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists]; one shall be a member of the construction industry[and be one of 3 nominees submitted by the Associated General Contractors of New Hampshire]; one shall be a member of the marine industry[and be one of 3 nominees submitted by the New Hampshire Marine Trades Association]; one shall have experience in environmental protection and resource management at the time of appointment[and be one of 4 nominees submitted, 2 each, by the New Hampshire Audubon Society and the Society for the Protection of New Hampshire Forests]; and one shall be a farm or forest landowner[and be one of 2 nominees submitted, one each, by the New Hampshire Farm Bureau Federation and the New Hampshire Timberland Owners Association].~~

One member of the council shall be elected annually as chairperson by the members of the council.

166 New Sections; New Hampshire Lakes Number Plates. Amend RSA 261 by inserting after section 261:97-f the following new sections:

261:97-g New Hampshire Lakes Number Plates.

I. The director may issue special number plates, to be called "Love NH Lakes" number plates. The design of these special plates shall be determined by the division of motor vehicles, in consultation with the department of environmental services. The plates shall prominently display a loon on a lake. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a \$30 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

II. The director may issue vanity "Love NH Lakes" number plates. The fee for any such vanity conservation number plate shall be the fee as provided in RSA 261:97-g, I, in addition to the fees for vanity plates which are otherwise established by law. The vanity plate portion of the fee shall be distributed as provided in RSA 261:89 and RSA 263:52.

III. The director shall establish a numbering system and method of distribution.

IV. Plates shall be renewed on an annual basis for \$30 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed to the cyanobacteria mitigation loan and grant fund under RSA 485-A:61. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

261:97-h Plate Use. "Love NH Lakes" plates may be used on passenger motor vehicles and recreation vehicles.

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261:97-i Commercial Use of Plate Design. The commissioner of safety shall ensure that the plate design is registered with the secretary of state. The commissioner, with the approval of the governor and council, shall have the authority to enter into contractual arrangements for the commercial use of the "Love NH Lakes" plate design. Any royalties or proceeds derived from such contracts shall be deposited into the cyanobacteria mitigation loan and grant fund under RSA 485-A:61.

167 Funds Derived From "Love NH Lakes" Number Plates. Amend RSA 485-A:61 to read as follows:

485-A:61 Cyanobacteria Mitigation Loan and Grant Fund Established. There is hereby established in the department of environmental services the cyanobacteria mitigation loan and grant fund which shall be maintained by the state treasurer in distinct and separate custody from all other funds. The state treasurer may invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated to the department of environmental services. The cyanobacteria mitigation loan and grant fund shall be used to fund loans, grants, and reimbursements in accordance with this subdivision. Funds from any bond proceeds, grants, loan repayments, legislative appropriations, donations, *"Love NH Lakes" number plates under RSA 261:97-g and RSA 261:97-i*, and other funds shall be credited to this fund.

168 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

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1 septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. The
2 fees required by this paragraph shall be paid at the time said plans and specifications or application
3 for permit by rule are submitted and shall be deposited in the septage management fund established
4 in paragraph I-c.

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

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

13 II. [Repealed].

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

17 169 Unfunded Positions; Authorization. Notwithstanding any other provision of law to the
18 contrary, any executive branch department or agency may fill unfunded positions during the
19 biennium ending June 30, 2027, provided that the total expenditures for such positions shall not
20 exceed the amount appropriated for personnel and benefit services.

21 170 Highways and Other Public Works; Application for and Administration of Federal Aid.
22 Amend RSA 124:4 to read as follows:

23 124:4 Application for and Administration of Federal Aid. Notwithstanding any other provision
24 of law, the governor and council are hereby authorized to designate from time to time, as they may
25 deem in the best interest of the state, the proper persons or agencies in the state government to take
26 all necessary action to apply for, receive, and administer any federal benefits, facilities, grants-in-
27 aid, or other federal appropriations or services made available to assist state activities, for which the
28 state is, or may become eligible. All such moneys in excess of [~~\$50,000~~] **\$100,000** made available,
29 after designation by the governor and council, may be expended by the proper persons or agencies in
30 the state government only with the prior approval of the joint legislative fiscal committee. In
31 addition to such other instruments, documents, and agreements as may be executed under the
32 authority of this section, such persons or agencies may execute indemnification agreements, with the
33 approval of governor and council, in the name of the state with and for the benefit of the United
34 States whenever such execution is required as a condition of receipt of such federal assistance.

35 171 Appropriations; Transfers Authorized. Amend RSA 9:16-a, I to read as follows:

36 I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is
37 hereby authorized to transfer funds within and among all accounting units within said department,

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1 *with the approval of the commissioner of the department of administrative services,*
2 provided that any transfer of \$100,000 or more shall require prior approval of the fiscal committee of
3 the general court and the governor and council, and provided that no funds may be transferred in
4 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
5 otherwise provided by law. The restrictions included in RSA 9:17-a, 9:17-b, 9:17-c, or 9:17-d shall
6 not apply if a transfer is necessary to satisfy a federal maintenance of effort requirement to ensure
7 the receipt of federal funds.

8 172 Bridges House Special Account; Establishing the Bridges House Special Account Fund.
9 Amend RSA 4:9-s to read as follows:

10 4:9-s Establishing the Bridges House Special Account Fund. There is hereby established in the
11 state treasury the bridges house special account fund. ~~[The funds may be comprised of]~~ **The**
12 **governor is authorized to accept** public funds, gifts, grants, donations or any other source of
13 funds, ~~[and]~~ **which** shall be used for the purposes of the care, maintenance, repair of, and additions
14 to, the bridges house, or for any other relevant purpose deemed appropriate by the bridges house
15 advisory board. The fund shall be non-lapsing and shall be continually appropriated to the
16 department **of administrative services.**

17 173 Capital Project Overview Committee; Duties. Amend RSA 17-J:4 to read as follows:

18 17-J:4 Duties. The capital project overview committee shall review the status of capital ~~[budget]~~
19 projects both during and between legislative sessions. Each state agency with capital ~~[budget]~~
20 projects shall report to the department of administrative services, in the format the department of
21 administrative services prescribes, for the quarters ending September 30, December 31, March 31,
22 and June 30. The department of administrative services shall combine these reports and present the
23 summarized report to the capital project overview committee for review quarterly on the first of
24 November, February, May, and August. The department of administrative services, division of
25 public works design and construction shall, within 90 days of the approval of funding for any capital
26 ~~[budget]~~ project, submit a timeline or schedule for such project to the capital project overview
27 committee for review.

28 174 General Provisions; Divisions of Procurement and Support Services, Public Works Design
29 and Construction, and Plant and Property. Amend RSA 21-I:11, I(a)(6)(A)-(B)(i) to read as follows:

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

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

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

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1 175 New Subparagraph; General Provisions; Division of Accounting Services. Amend RSA 21-
2 I:8, I by inserting after subparagraph (h) the following new subparagraph:

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

9 176 Games, Amusements, and Athletic Exhibitions; Horse and Dog Racing; Administrative and
10 Rulemaking Provisions. Amend RSA 284:21-i, II(c)(1) to read as follows:

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

13 177 Business Profits Tax; Distribution of Funds. Amend RSA 77-A:20-a, I to read as follows:

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

17 178 Business Enterprise Tax; Distribution of Funds. Amend RSA 77-E:14, I to read as follows:

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

21 179 Tobacco Tax; Distribution of Funds. RSA 78:24 is repealed and reenacted to read as follows:

22 78:24 Distribution of Funds.

23 I. Tax revenue on all tobacco products sold at retail in this state imposed by RSA 78:2 shall
24 be divided with 30 percent of that total revenue deposited in the education trust fund established by
25 RSA 198:39 and the remaining revenue deposited in the general fund.

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

29 180 Tax on Transfer of Real Property; Distribution of Funds. RSA 78-B:13, I, is repealed and
30 reenacted to read as follows:

31 I. Tax revenue collected by RSA 78-B:1 shall be divided, with 30 percent of that total
32 revenue deposited in the education trust fund established by RSA 198:39 and the remaining revenue
33 deposited in the general fund.

34 181 Appropriation; Cannon Mountain Tramway. 2023, 79:510 is repealed and reenacted to read
35 as follows:

36 79:510 Appropriation; Cannon Mountain Tramway. The sum of \$18,000,000 for the fiscal year
37 ending June 30, 2023, is hereby appropriated to the department of natural and cultural resources for

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the maintenance and operation of the tramway at Cannon Mountain. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any remaining funds hereby appropriated shall lapse to the general fund on June 30, 2025.

182 Effective Date. Section 181 of this act shall take effect June 30, 2025.

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

II.(a) ***Notwithstanding subparagraph III(a), due to exigent circumstances, an additional one percent shall be added to the annual increase on the cap on county billings for each year of the biennium ending June 30, 2027, resulting in annual increases of 3 percent for each year of that biennium.*** The total billings to all counties made pursuant to this section shall not exceed the amounts set forth below for state fiscal years ~~[2024-2025]~~ **2026-2027**:

(1) State fiscal year ~~[2024]~~ **2026**, ~~[\$131,849,659]~~ **\$135,805,149.**

(2) State fiscal year ~~[2025]~~, **2027** ~~[\$131,849,659]~~; **\$139,879,303.**

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

VI. Notwithstanding any other provision of RSA 9:13-e, in the event of a general fund operating budget deficit at the close of fiscal year 2025, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), the state comptroller shall notify the fiscal committee and the governor of such deficit and request approval to transfer funds from the revenue stabilization reserve account to eliminate such deficit.

185 Department of Energy; Transfer of Funds. The department of energy shall transfer any uncommitted moneys from the renewable energy fund, established in RSA 362-F:10, to the general fund on July 1, 2025.

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

I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be continually appropriated to the department of energy to be expended in accordance with this section; provided that at the start of the period in which there is no adopted state operating budget, the department of energy shall in a timely manner seek the approval of the fiscal committee of the general court to continue using moneys from the renewable energy fund to support renewable energy rebate and grant programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section ~~[-excluding class II moneys, shall be used by the department of energy to support thermal and electrical renewable energy initiatives and offshore wind initiatives, including the office of offshore wind industry development and energy innovation. Class II moneys shall~~

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1 ~~primarily be used to support solar energy technologies in New Hampshire. All initiatives supported~~
2 ~~out of these funds shall be subject to audit by the department of energy as deemed necessary] *that*~~
3 ~~*exceed administration costs and funding for the office of offshore wind industry*~~
4 ~~*development and energy innovation, as determined by the department, shall be credited to*~~
5 ~~*the general fund in a timely manner, as determined by the commission.*~~ All fund moneys
6 including those from class II may be used to administer this chapter, but all new employee positions
7 shall be approved by the fiscal committee of the general court. No new employees shall be hired by
8 the department of energy due to the inclusion of useful thermal energy in class I production.

9 187 2027 Prospective Change; Electric Renewable Portfolio Standard; Renewable Energy Fund.
10 Amend RSA 362-F:10, I to read as follows:

11 I. There is hereby established a renewable energy fund. This nonlapsing special fund shall
12 be continually appropriated to the department of energy to be expended in accordance with this
13 section; provided that at the start of the period in which there is no adopted state operating budget,
14 the department of energy shall, in a timely manner, seek the approval of the fiscal committee of the
15 general court to continue using moneys from the renewable energy fund to support renewable energy
16 rebate and grant programs in order to ensure there are no interruptions to the programs. The state
17 treasurer shall invest the moneys deposited therein as provided by law. Income received on
18 investments made by the state treasurer shall also be credited to the fund. All payments to be made
19 under this section shall be deposited in the fund. Any remaining moneys paid into the fund under
20 paragraph II of this section ~~[that are in excess of administration costs, funding for the office of~~
21 ~~offshore wind industry development and energy innovation, and incentive payments, shall be~~
22 ~~credited to the general fund, in a timely manner, as determined by the commission]~~ *that exceed*
23 *administration costs, funding for the office of offshore wind industry development and*
24 *energy innovation, and incentive payments as determined by the department, shall be*
25 *credited to all retail electric ratepayers in the state on a per-kilowatt-hour basis in a*
26 *timely manner, as determined by the commission.* All fund moneys including those from class II
27 may be used to administer this chapter, but all new employee positions shall be approved by the
28 fiscal committee of the general court. No new employees shall be hired by the department of energy
29 due to the inclusion of useful thermal energy in class I production.

30 188 Effective Date. Section 187 of this act shall take effect on July 1, 2027.

31 189 Mechanical Licensing; Inspectors. Amend RSA 153:34, I and II to read as follows:

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

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

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

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

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

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

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

VI. The regulation of tanning facilities including:

- (a) Sanitation and hygiene standards to be met and maintained by tanning facilities;
- (b) Standards for approving the training curricula and programs used for training tanning device operators;
- (c) Registering tanning facilities;
- (d) Standards for the inspection of tanning devices **upon application for initial licensure**;
- (e) Standards for the consumer consent form required under RSA 313-A:30, IV.

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

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:

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(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

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1 hours in subjects required by the board in increments at separate schools, but must present
2 certifications to the office for all required hours and curriculum subjects.

3 200 Barbering, Cosmetology, and Esthetics; Shop Licensure. Amend RSA 313-A:19 to read as
4 follows:

5 313-A:19 Shop Licensure.

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

14 II. Any licensed barber, cosmetologist, manicurist, or esthetician shall, upon written
15 application accompanied by the required fees, receive a license to operate a salon, barbershop, or
16 mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all
17 requirements established in the rules of the board, **including passing an inspection**.

18 III. In the event of a change of location of any licensed shop and upon notice thereof, the
19 ~~[board]~~ **office of professional licensure and certification** shall issue a transfer of licensure of
20 such shop to its new location, provided such new location meets the requirements of this section.
21 The board may ~~[revoke]~~ **take disciplinary action, in accordance with RSA 310, against** any
22 shop license upon a finding that such shop fails to comply with this chapter or the rules adopted by
23 the board, **or has committed professional conduct as defined in RSA 310f**; ~~provided that,~~
24 ~~before any such certificate shall be revoked, the holder shall have notice thereof and be granted a~~
25 ~~proper hearing~~. **Nothing in this section shall be construed to prevent the board from taking**
26 **disciplinary action in accordance with RSA 310 against any licensee managing or working**
27 **at a shop.**

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

36 V. **Anyone holding a shop license may obtain a one-time Occupational Safety and**
37 **Health Administration (OSHA) certificate that meets or exceeds 10 hours, or its equivalent,**

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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 may adopt rules pursuant to RSA 541-A as to what other one-time certification programs may be considered equivalent to an OSHA certificate that meets or exceeds 10 hours earned in barbering, cosmetology, esthetics, or manicuring.

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. Applicants for initial licensure as a school shall meet all requirements established in the rules of the board, including passing an inspection.

II. Anyone holding a 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 may 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, or manicuring.

III. It shall be the obligation of any individual who opens, establishes, conducts, maintains, 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 also taking disciplinary action against any licensee working at such school.

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

313-A:21 Inspectors.

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

II. Sanitary inspections of all shops and schools shall be made at the time of initial licensure and biannually thereafter, unless a shop or school has obtained an Occupational Safety and Health Administration (OSHA) certificate or its equivalent pursuant to RSA 313-A:19 or RSA 313-A:19-a. Sanitary inspections may also be made for investigations conducted pursuant to RSA 310:9, regardless of whether a shop or school has obtained a certificate.

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

204 Agriculture; Horticulture and Animal Husbandry; Insect Pests and Plant Diseases; Registration Certificates and Permits. Amend RSA 430:33, II to read as follows:

II. No person, other than a commercial applicator, shall apply pesticides in this state without first obtaining a written permit from the division except as provided in RSA 430:46. An annual application for a permit with a fee of [~~\$20~~] **\$60** shall be collected by the division for each permit, except that no fee shall be collected from any nonprofit entity or from any governmental entity. The division shall require each applicant for a permit to demonstrate, by examination or other procedure prescribed by the board in rules, the applicant's competence and ability to use pesticides in accordance with standards of the board. Permit holders shall maintain routine operational records pursuant to rules of the board, which records shall be open to inspection at reasonable times by the division or its agents. Operational records for the preceding calendar year shall be submitted to the division by an applicant for renewal of a permit. Upon submission of such records and satisfaction of such other conditions as the board may by rule impose, the division shall renew a permit.

205 Agriculture; Horticulture and Animal Husbandry; Insect Pests and Plant Diseases; Application for Registration and Permits. Amend RSA 430:34, III to read as follows:

III. Each application for initial examination of a commercial or private applicator shall be accompanied by an examination fee of [~~\$5~~] **\$15** for each category or commodity group in which such examination is requested. When an applicator has been examined by the division and found not qualified, the applicant shall be re-examined at a subsequent date in accordance with rules adopted by the board, provided that each application for re-examination shall be accompanied by a re-examination fee of [~~\$5~~] **\$15** for each category or commodity group in which re-examination is requested. A separate application and re-examination fee shall be filed by the applicant each time a re-examination is requested.

206 Agriculture; Horticulture and Animal Husbandry; Insect Pests and Plant Diseases; Pesticide Dealer License. Amend RSA 430:35, II and III to read as follows:

II. Application for a license shall be accompanied by a [~~\$20~~] **\$60** annual license fee. Dealer applications for renewal received beyond the December 31 deadline shall be subject to a \$10 late registration fee. Application for a license shall be on a form prescribed by the division and shall include the full name of the person applying for such license. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary

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information prescribed by the division; provided that the provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application; provided, further, that the provisions of this section shall not apply to any federal, state, or county agency which provides pesticides for their own programs.

III. Each applicant shall satisfy the division as to his knowledge of the laws and rules governing the use and sale of pesticides and his responsibility in carrying on the business of a pesticide dealer through examination. In addition, each employee or agent of a pesticide dealer who sells or recommends restricted-use pesticides or state restricted-use pesticides shall obtain a pesticide dealer license. Each application for initial examination for a dealer license shall be accompanied by an examination fee of ~~[\$5]~~ **\$15**. When an applicant has been examined by the division and found not qualified, the applicant shall be re-examined at a subsequent date in accordance with rules adopted by the board, provided that each application for re-examination shall be accompanied by a fee of ~~[\$5]~~ **\$15**.

207 Agriculture; Horticulture and Animal Husbandry; Insect Pests and Plant Diseases; Statement Required. Amend RSA 430:38, III to read as follows:

III.(a) The registrant shall pay an annual fee **of at least \$160** for each pesticide registered as follows:

- (1) A restricted use pesticide.
- (2) A general use pesticide, other than a specialty/household pesticide.
- (3) A specialty/household pesticide.

(b) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the amount of the fees charged under subparagraph (a). ~~[Until such rules are adopted, the fees under subparagraph (a) shall be the same as the fees which were in effect on June 30, 2015.]~~

208 Agriculture; Horticulture and Animal Husbandry; Soil and Plant Additives; Registration. Amend RSA 431:4, I to read as follows:

I. Each brand and grade of fertilizer shall be registered in the name of that person whose name appears upon the label before being distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished by the commissioner and shall be accompanied by a fee of ~~[\$75]~~ **\$128** per grade of each brand sold.

209 Agriculture; Horticulture and Animal Husbandry; Soil and Plant Additives; Registration. Amend RSA 431:27, I to read as follows:

I. Each separately identified product shall be registered before being distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished or approved by the commissioner and shall be accompanied by a fee of ~~[\$50]~~ **\$100** per product. The fees collected under this section shall be deposited with the state treasurer into the agricultural products

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1 regulatory fund. Upon approval by the commissioner, a copy of the registration shall be furnished to
2 the applicant. All registrations expire on January 1 of the following year.

3 210 Agriculture; Horticulture and Animal Husbandry; Horticultural Growing Media;
4 Registration and Inspection Fees; Fund Established. Amend RSA 433-A:6 to read as follows:

5 433-A:6 Registration and Inspection Fees; Fund Established. The commissioner shall collect a
6 ~~[\$50]~~ **\$96** annual registration and inspection fee for each product registered. The fees collected
7 under this section shall be deposited with the state treasurer into the agricultural products
8 regulatory fund established in RSA 435:20, IV. Moneys from the fund shall be used to offset costs
9 associated with registration and inspection of horticultural growing media.

10 211 Agriculture; Horticulture and Animal Husbandry; Animal Care, Breeding and Feed. Amend
11 RSA 435:20, II and III to read as follows:

12 II. No person shall distribute in this state a commercial feed, except a customer-formula
13 feed, which has not been registered pursuant to the provisions of this section. Applications for
14 registration, accompanied by a ~~[\$75]~~ **\$120** per-product registration fee, shall be submitted in a
15 manner prescribed by the commissioner. Upon approval by the commissioner, a registration shall be
16 issued to the applicant. All registrations shall expire on December 31 of each year.

17 III. The commissioner may refuse to register any commercial feed not in compliance with
18 the provisions of this subdivision and to cancel any registration subsequently found not to be in
19 compliance with any provision of this subdivision; provided that upon the refusal of registration, the
20 ~~[\$75]~~ **\$120** registration fee shall be returned to the applicant; and provided further that no
21 registration shall be refused or ~~[cancelled]~~ **canceled** unless the applicant or registrant has been
22 given an opportunity to appear at a hearing before the commissioner and to amend his or her
23 application in order to comply with the requirements of this subdivision.

24 212 Agriculture; Horticulture and Animal Husbandry; Standards for Farm Products; Official
25 Grades and Standards. Amend RSA 426:1 to read as follows:

26 426:1 Official Grades and Standards. The commissioner of agriculture, markets, and food,
27 whenever, in the commissioner's opinion, the public good so requires, may adopt rules, pursuant to
28 RSA 541-A, establishing official grades and standards for farm products which are produced within
29 the state for purposes of sale. ***Fees for maple product permits shall not be less than \$33 and***
30 ***other product permits shall not be less than \$13.***

31 213 Agriculture; Horticulture and Animal Husbandry; Soil and Plant Additives; Inspection Fees
32 and Tonnage Reports. Amend RSA 431:6, I to read as follows:

33 I. There shall be paid to the commissioner for all fertilizers distributed in this state to
34 nonregistrants an inspection fee ***of at least \$0.37*** on each ton of fertilizer sold ***with a minimum fee***
35 ***of at least \$9 as*** ~~[in a manner and at a fee]~~ prescribed by the commissioner by rules; provided, that
36 sales or exchanges between importers, manufacturers, distributors, or registrants are exempted.

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214 Agriculture; Horticulture and Animal Husbandry; New Hampshire Seed Law; Duties and
Authority of Commissioner; Rulemaking. Amend RSA 433:7, III(l)-(m) to read as follows:

(l) Seed labeling license standards and procedures, including, but not limited to,
application forms ~~[and fees]~~.

(m) Establish licensing fee of not less than \$94 per company.

~~[(m)]~~ ***(n)*** The enforcement of this subdivision.

215 Weights and Measures Fees. Amend RSA 438:10-a to read as follows:

438:10-a Fees for Licensing Commercial Devices.

The following annual device license fees shall be charged for the following categories:

- I. Scales 100 pounds or less, other than precision scales, ~~[\$18]~~ **\$35** each;
- II. Scales over 100 pounds to 2,000 pounds, ~~[\$27]~~ **\$50** each;
- III. Scales over 2,000 pounds to 5,000 pounds, ~~[\$54]~~ **\$100** each;
- IV. Non-vehicle scales over 5,000 pounds, ~~[\$90]~~ **\$165** each;
- V. Vehicle scales, ~~[\$180]~~ **\$330** each;
- VI. Lift truck/forklifts, on board weighing systems/scales, ~~[\$90]~~ **\$165** each;
- VII. On board weighing systems/scales, refuse or recyclable materials collection trucks, ~~[\$90]~~
\$165 each;
- VIII. Precision scales, ~~[\$36]~~ **\$65** each;
- IX. Retail motor fuel dispensers, except liquefied petroleum gas and natural gas
dispensers, ~~[\$18]~~ **\$35** per meter;
- X. Liquefied petroleum gas retail motor fuel dispensers, ~~[\$54]~~ **\$100** per meter;
- XI. Natural gas retail motor fuel dispensers, ~~[\$54]~~ **\$100** per meter;
- XII. Liquid vehicle tank meters, except liquefied petroleum gas and natural gas meters,
~~[\$54]~~ **\$100** per meter;
- XIII. Liquid bulk storage meters, ~~[\$90]~~ **\$165** per meter;
- XIV. Liquefied gas meters, ~~[\$90]~~ **\$165** per meter;
- XV. Taxi meters, ~~[\$27]~~ **\$50** per meter; and
- XVI. Linear and cordage measures, ~~[\$18]~~ **\$35** per meter.

216 New Section; Weights and Measures; Registered Service Agencies. Amend RSA 438 by
inserting after section 438:14-a the following new section:

438:14-b Registered Service Agencies. Registered service agencies that employ a service
technician who is registered with the division of weights and measures to test, adjust, repair, certify,
reject, add, remove, or replace a commercial weighing or measuring device, shall pay an annual
registration fee of \$250, to be collected by the division.

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

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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~~] **\$800**; Significant hazard potential = [~~\$750~~] **\$1,500**; High hazard potential = [~~\$1,500~~] **\$3,000**. 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.

218 Water Management and Protection; Dams, Mills, and Flowage; Preliminary Filing of Information. Amend RSA 482:9, II(a)-(d) to read as follows:

- (a) Non-hazard potential dam [~~\$2,000~~] **\$4,000**
- (b) Low hazard potential dam [~~\$3,000~~] **\$6,000**
- (c) Significant hazard potential dam [~~\$4,000~~] **\$8,000**
- (d) High hazard potential dam [~~\$4,000~~] **\$8,000**

219 Public Health; Hazardous Waste Cleanup Fund; Automotive Oil Fee. Amend RSA 147-B:12, I to read as follows:

I. A fee of [~~\$.02~~] **\$0.05** per gallon of automotive oil shall be assessed at the time of import to this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced by the department of safety in the manner described in RSA 146-A:11-b. The department of environmental services may waive all or any portion of penalties or interest for good cause. All fee revenues shall be deposited in the hazardous waste cleanup fund in accordance with RSA 147-B:6, I-d.

220 Hazardous Waste Generator Self-Certification. Amend RSA 147-A:5, IV(b) to read as follows:

(b) Each hazardous waste generator that generates less than 220 pounds/100 kilograms of hazardous waste per month shall pay non-refundable fees at a rate of [~~\$60~~] **\$90** per year for the period of [~~January 1, 2004 to June 30, 2007~~] **July 1, 2007 to June 30, 2025**, and at a rate of [~~\$90~~] **\$140** per year beginning July 1, [~~2007~~] **2025**, to cover department expenses for conducting the self-certification program and hiring of program staff. Total fees due for each year shall be submitted with the self-certification declaration form required under subparagraph (a).

221 Public Health; Hazardous Waste Cleanup Fund; Hazardous Waste Cleanup Fund Fees. Amend RSA 147-B:8, I to read as follows:

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1 I. Each hazardous waste generator that generates in a 3-month period 660 pounds or more
2 of unrecycled hazardous waste shall pay a quarterly fee of [~~\$0.06~~] **\$0.12** per pound or a minimum of
3 \$100, to the department.

4 222 Public Health; Solid Waste Management Fund. RSA 149-R:4-6 are repealed and reenacted
5 to read as follows:

6 149-R:4 Purpose and Use of the Fund.

7 I. The fund shall be used to support the administration and implementation of the
8 department's solid waste technical assistance, planning, regulatory and permitting activities,
9 including, but not limited to, waste reduction and diversion technical assistance, reducing the
10 expense to municipalities of hazardous waste materials disposal and recycling, long term solid waste
11 management planning, education and outreach efforts, and administration of payments in
12 accordance with paragraphs II and III.

13 II. The fund shall be used to provide annual payments to New Hampshire municipalities,
14 for source reduction and recycling efforts, to offset payments made by the municipality associated
15 with the solid waste disposal surcharge established under RSA 149-R:5, based upon the tonnage of
16 solid waste for which the municipality was financially responsible for disposal at a New Hampshire
17 landfill, incinerator, or waste-to-energy facility. Administration of the payment program shall be in
18 accordance with procedures established by rulemaking under the authority of RSA 149-R:6, IV and
19 V. Such rulemaking shall specifically address the unique circumstances for municipalities that own
20 and operate a facility that is subject to RSA 149-R:5, or that are part of a solid waste district that
21 owns and operates such a facility, to ensure that the costs incurred by those municipalities are offset
22 consistent with this chapter.

23 III. The fund shall be used to provide matching grant funding to New Hampshire
24 municipalities, private entities, and businesses for projects that will provide a demonstrated,
25 significant improvement in waste diversion methods and contribute to a reduction of wastes,
26 including hazardous waste materials, requiring disposal, including a regional or municipal materials
27 recovery facility operated by a public or private entity, and other regional recycling efforts.

28 IV. The fund may be used to hire consultants or contractors, or to pay other necessary
29 expenses directly associated with approved activities in this chapter.

30 V. The department is authorized to solicit funds from any source, including the United
31 States Environmental Protection Agency and other federal agencies, gifts, donations of money,
32 grants, legislative appropriations, or any matching funds and incentives. Notwithstanding RSA 4:8
33 and RSA 14:30, VI, the commissioner may accept and deposit such funds directly into the solid waste
34 management fund to be used for the purpose described in RSA 149-R:4.

35 149-R:5 Solid Waste Disposal Surcharge.

36 I. Beginning January 1, 2026, solid waste disposed of at a New Hampshire landfill,
37 incinerator, or waste-to-energy facility shall be subject to a surcharge at the rate of \$3.50 per ton.

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1 Notwithstanding RSA 149-M:4, XXII, materials used as cover material at landfills shall not be
2 subject to the surcharge.

3 II. Such surcharge shall be paid quarterly to the department by each holder of a permit
4 issued pursuant to RSA 149-M for a New Hampshire landfill, incinerator, or waste-to-energy facility
5 for the solid waste disposed at such facility, on forms and with supporting documentation as
6 provided for in rulemaking conducted pursuant to RSA 149-R:6, I, II, and III.

7 III. The first payment of the surcharge shall be due to the department no later than April
8 30, 2026 and within 30 days of each quarter's end thereafter.

9 IV. The department shall deposit surcharges collected under this section into the fund.

10 V. Failure to pay surcharges within 30 days of the date due shall result in the assessment of
11 interest at a rate established by rule pursuant to RSA 149-R:6, VII. The commissioner may waive
12 all or any portion of interest for good cause. The department shall deposit interest collected under
13 this section into the fund.

14 149-R:6 Rulemaking. The commissioner shall adopt rules, after public hearing and pursuant to
15 RSA 541-A, relative to:

16 I. The time, amount, and manner of payment of solid waste disposal surcharges.

17 II. Required records to be kept by facility permit holders of the type and quantity of solid
18 waste disposed.

19 III. Certified reports required to be submitted with surcharge payments by facility permit
20 holders.

21 IV. The time, amount, and manner of payments to New Hampshire municipalities pursuant
22 to RSA 149-R:4, II.

23 V. Certified reports required to be submitted by municipalities requesting payments
24 pursuant to RSA 149-R:4, II.

25 VI. Administering matching grants pursuant to RSA 149-R:4, III.

26 VII. Establishment of the interest rate applied to late payments pursuant to RSA 149-R:5,

27 V.

28 149-R:7 Penalties and Other Enforcement.

29 I. Any person who violates any of the provision of this chapter or any rule adopted under
30 this chapter shall be subject to a civil penalty not to exceed \$25,000 for each violation. Each day a
31 surcharge is not paid after it is due in accordance with RSA 149-R:5, III shall be a separate violation.

32 II. In addition to an action to recover unpaid surcharges and interest owed, any violation of
33 the provisions of this chapter or of any rule adopted under this chapter, may be enjoined by the
34 superior court upon application of the attorney general.

35 III. The provisions of RSA 7:15-a shall not apply to the collection of unpaid surcharges, and
36 all money collected under this section shall be deposited into the fund.

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1 149-R:8 Biennial Report. The department shall include in its biennial report required under
2 RSA 149-M:29, II, information relative to the activities and finances of the solid waste management
3 fund.

4 223 Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5, III(b) to read as
5 follows:

6 (b) Each application for initial or renewal of a hazardous waste coordinators certification
7 shall be accompanied by a non-refundable fee of [~~\$125~~] **\$225** per year to cover department expenses
8 for conducting the certification program.

9 224 New Subparagraph; Waste Management Rules. Amend RSA 149-M:7 by inserting after
10 paragraph XV the following new paragraph:

11 XV-a. Relative to the safe management of solid waste. Such rules shall promote the
12 hierarchy established under RSA 149-M:3, and shall develop and enforce siting, design, operation,
13 and closure requirements.

14 225 New Paragraphs; Groundwater Protection. Amend RSA 149-M:9 by inserting after
15 paragraph XV the following new paragraphs:

16 XVI. No permit shall be issued by any division of the department for the siting of a new
17 landfill if any part of the actual solid waste disposal area is proposed to be located sufficiently close
18 to any existing drinking water well, perennial river, lake, or coastal water of New Hampshire, as
19 defined in RSA 483-B:4, XVI, such that groundwater on the landfill site would be able to reach the
20 water body within 5 years of migrating off-site due to any leak, spill, or other failure.

21 XVII.(a) The department shall establish a site-specific setback distance for any proposed
22 new landfill from any drinking water wells, perennial river, lake, or coastal water of New
23 Hampshire, as defined in RSA 483-B:4, XVI. The setback distance shall be sufficient to prevent any
24 contaminated groundwater at any part of the landfill footprint or leachate storage or piping
25 infrastructure from reaching any existing drinking water wells, perennial river, lake, or coastal
26 water of New Hampshire within 5 years. The setback distance shall be calculated as follows:

27 (1) The applicant shall hire a hydrogeologist who has never worked with or been
28 contracted through a third party with any applicant's current or previous projects, at the applicant's
29 expense, to estimate based upon adequate and representative on-site field testing of both the landfill
30 footprint and leachate storage or piping infrastructure, the estimated velocity of groundwater in both
31 surficial geological deposits and bedrock. The velocity shall be estimated by calculating the 95th
32 percentile upper confidence limit of the mean measured rate, using the formula recommended by the
33 United States Environmental Protection Agency at EPA 600-R-97/006.

34 (2) The 5-year distance-of-travel estimate shall be calculated by multiplying the
35 velocity, in units of feet per year, by 5.

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1 (3) The setback from any existing drinking water well, perennial river, lake, or
2 coastal water of New Hampshire shall be the greater of the 5-year distance-of-travel estimate
3 calculated in subparagraph (2) or 1,500 feet.

4 (b) No permit shall be issued by any division of the department for the siting of a new
5 landfill that fails to conform to the setback distance as calculated using the method set forth in
6 subparagraph (a).

7 (c) In this section, "new landfill" excludes any expansion or modification of any landfill
8 facilities on any site where, as of January 1, 2025, a RCRA Subtitle D landfill exists that has
9 received all permits necessary to operate at present and is currently operating under such permits at
10 the time it files an application to expand.

11 (d) In this section, "site" means a single parcel or adjacent parcels, owned in its entirety
12 by a landfill operator or its affiliates as of January 1, 2025, including a site where one or more public
13 utility easements traverse the site.

14 XVIII. The department shall not issue a permit for a new landfill or landfill expansion
15 unless the applicant conducts subsurface investigations in sufficient numbers and locations to
16 properly describe the surficial stratigraphy and the bedrock beneath and adjacent to the proposed
17 solid waste boundary, at least to the depth of any aquifers currently used to provide drinking water
18 to residents. Pump tests shall be conducted at selected locations as needed to evaluate aquifer yield
19 and connectivity of bedrock fractures using the department's database of the location and depth of
20 private drinking water wells.

21 XIX. All landfill facilities shall have at least one employee or contracted personnel at the site
22 24 hours a day, 365 days per year, beginning from the date the landfill begins accepting waste and
23 continuing until final closure.

24 XX. No permit shall be granted for a landfill unless undisturbed in-situ soils for 20 feet
25 immediately beneath the footprint and underneath all leachate storage and transfer infrastructure
26 have a maximum saturated hydraulic conductivity of 1×10^{-4} centimeters per second(cm/sec) or
27 less. If the above in-situ soils do not meet the maximum hydraulic conductivity criterion of 1×10^{-4}
28 cm/sec, no amount of imported soil can overcome such deficiency, and the tract shall be deemed
29 impermissible for use as a landfill.

30 XXI. No permit shall be granted for a landfill unless the subgrade below the liner consists of
31 soil with a saturated hydraulic conductivity of 1×10^{-4} cm/sec or less.

32 XXII. All references to number-year storm events regarding solid waste landfill permitting
33 requirements in relation to design, maintenance, leachate management, etc., shall have the value of
34 a 100-year storm with a 50 percent margin of safety.

35 XXIII. The department shall incorporate the "Ford Act" found at 40 C.F.R. 258 into landfill
36 permitting requirements, specifically the provision limiting the construction or establishment of
37 municipal solid waste landfills within 6 miles of certain smaller public airports.

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226 Permit Denial. Amend the introductory paragraph of RSA 149-M:9, IX to read as follows:

IX. The department ~~may~~ **shall** deny a permit application under this section to a person if any of the following applies:

227 Rulemaking. The introductory paragraph of RSA 149-M:7 is repealed and reenacted to read as follows:

The commissioner shall have the responsibility and authority to adopt rules, under RSA 541-A, that are necessary to protect the public health and the environment with an ample margin of safety relative to this chapter, including rules relative to:

228 Boat Fee Decals. Amend RSA 270-E:5-a, II(a) to read as follows:

(a) ~~[\$9.50]~~ **\$12.50** for each decal specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

229 Per Diem; Public Employee Labor Relations Board. Amend RSA 273-A:2, VII to read as follows:

VII. The members of the public employee labor relations board shall be paid ~~[\$50]~~ **\$250** a day and their necessary expenses while actually engaged in the performance of their duties.

230 Court Fees and Fines; Equitable Fee Schedule; Credit Card Service Charge. Amend RSA 490:26-a to read as follows:

490:26-a Court Fees and Fines; Credit Card Payments.

I. The supreme court shall establish by rule an equitable fee schedule for all courts in the state.

II. ~~[(a) Except as provided in subparagraph (b), a \$25 surcharge shall be added to each civil filing fee for all courts. This surcharge shall be deposited in the general fund.~~

~~(b) The following shall be exempt from the surcharge under subparagraph (a):~~

~~(1) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.~~

~~(2) Domestic violence actions under RSA 173-B.~~

~~(3) Small claims actions under RSA 503.~~

~~(4) Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B, and RSA 540-C.~~

~~(5) Stalking actions under RSA 633:3-a~~

~~II-a.]~~ The supreme court may establish by rule an equitable fee of not less than \$25 to be added to a fine whenever a court extends the time for the payment of the fine. An equitable fee assessed by a court under this paragraph shall be paid prior to or simultaneously with the payment of the fine.

III. **(a)** All court fees, surcharges, and fines paid into any court may be paid by credit card in lieu of cash payment.

(b) *Notwithstanding any other provision of law, the supreme court may, in establishing a fee schedule, establish a service charge for the acceptance of a credit card, debit card, or such other means of electronic payment.*

231 Electric Renewable Energy Classes. Amend RSA 362-F:4, I(a) to read as follows:

(a) Wind energy, *except that mandated by government procurements.*

232 Electric Renewable Energy Classes. RSA 362-F:4, I(h) is repealed and reenacted to read as follows:

(h) Solar energy if the solar energy produces electricity.

233 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	2008	2009	2010	2011	2012	2013	2014	2015	2025 and thereafter
Class I	0.0%	0.5%	1%	2%	3%	3.8%	5%	6%	15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.7%
Class III	3.5%	4.5%	5.5%	6.5%	1.4%	1.5%	3.0%	8.0%	8.0%
Class IV	0.5%	1%	1%	1%	1%	1.3%	1.4%	1.5%	1.5%

*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.4 percent in 2014, 0.6 percent in 2015, 0.8 percent in 2016, and increased annually by 0.2 percent per year from 2017 through 2023, **and then reduce to 1.7 percent beginning on August 1, 2027**, after which it shall remain unchanged. ~~[Class II shall increase to 0.5 percent beginning in 2018, 0.6 percent beginning in 2019, and 0.7 percent beginning in 2020, otherwise]~~ Classes ~~[II-IV]~~ **III and IV** shall remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

234 Electric Renewable Energy Classes. Amend RSA 362-F:4, V to read as follows:

V. For good cause, and after notice and hearing, the department of energy may accelerate or delay by up to one year, any given year's incremental increase in class I ~~[or II]~~ renewable portfolio standards requirement under RSA 362-F:3.

235 Electric Renewable Portfolio Standard; Definitions. Amend RSA 362-F:2, XV to read as follows:

XV. "Renewable energy source," "renewable source," or "source" means a class I, ~~[II,]~~ III, or IV source of electricity or a class I source of useful thermal energy. An electrical generating facility,

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1 while selling its electrical output at long-term rates established before January 1, 2007, by orders of
2 the commission under RSA 362-A:4, shall not be considered a renewable source.

3 236 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

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

22 237 Renewable Energy Fund. RSA 362-F:10, III is repealed and reenacted to read as follows:

23 III. Beginning July 1, 2027, these rates shall be fixed at the following levels:

24 (a) Class I - \$42, except for that portion of the class electric renewable portfolio
25 standards to be met by qualifying renewable energy technologies producing useful thermal energy
26 under RSA 362-F:3, which shall be \$30.

27 (b) Class III - \$42.

28 (c) Class IV - \$37.

29 238 Renewable Energy Certificates. Amend RSA 362-F:6, II-a to read as follows:

30 II-a. The department of energy shall establish a methodology to estimate the total yearly
31 production for customer-sited sources that are net metered under RSA 362-A:9 and for which class I
32 ~~[or II]~~ certificates are not issued. For purposes of estimation, the department of energy shall use a
33 capacity factor rating of 20 percent for each class I installation. ~~[The department of energy shall~~
34 ~~separately estimate class II output using a capacity factor rating equal to the annual PV Energy~~
35 ~~Forecast issued by the Distributed Generation Working Group under ISO New England, or its~~
36 ~~successor.]~~ Providers of electricity required to obtain and retire certificates under RSA 362-F:3 shall
37 receive an annual credit for such production according to its class. By February 28 of each year, the

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1 department of energy shall compute and make public credit percentages that are equal to the
2 estimated production for the prior calendar year in each class divided by the total amount of
3 electricity supplied by providers of electricity to end-use customers in the prior calendar year, with
4 the result converted to a percentage. Each provider may then, at the time of its annual report filing
5 under RSA 362-F:8, claim a class I ~~[and a class II]~~ certificate credit equal to the credit percentage
6 times the total megawatt-hours of electricity supplied by the provider to its end-use customers the
7 prior calendar year.

8 239 Repeal. The following are repealed:

9 I. RSA 362-F:4, I(h), relative to class II sources.

10 II. RSA 362-F:4, II, relative to class II renewable energy.

11 III. RSA 362-F:15, I, relative to class II increases.

12 240 Effective Date. Sections 231 through 239 of this act this act shall take effect July 1, 2027.

13 241 New Hampshire Energy Policy. RSA 378:37 is repealed and reenacted to read as follows:
14 378:37 New Hampshire Energy Policy.

15 It is the policy of the sovereign state of New Hampshire and purpose of this chapter, to promote
16 affordable, reliable, diverse, and secure energy resources for the health, safety, and welfare of its
17 citizens.

18 I. New Hampshire shall promote the development of resources to achieve the purpose of this
19 chapter, fostering a range of technology types, including reliable, on-demand, and firm resources,
20 while allowing for customer choice.

21 II. New Hampshire shall promote the development of resources, tools, and infrastructure to
22 enhance the state's ability to ensure the state's energy independence by removing regulatory
23 barriers to innovation to ensure that the state can procure affordable, reliable, and secure energy
24 resources, consistent with RSA 362-F.

25 III. New Hampshire shall allow market forces and market-based mechanisms to drive
26 prudent use of energy resources. Government intervention to economically advantage one
27 technology over another shall be time-limited, narrow, and necessary to achieve a specific policy
28 goal.

29 IV. New Hampshire shall pursue energy conservation and efficiency according to market
30 principles, focusing on market transformation, and in accordance with cost-effective fiscal strategies
31 as authorized by the legislature, and consistent with RSA 374-F.

32 V. New Hampshire shall maintain an environment that allows for accurate market signals
33 while balancing affordable consumer prices, price stability, energy reliability, public health and
34 safety, and the financial stability of utilities and energy suppliers.

35 VI. State regulatory processes shall balance economic costs with the level of review
36 necessary to ensure protection of the state's various interests, and where federal action is required,
37 New Hampshire will collaborate to encourage expedited federal review and action.

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1 242 Sununu Youth Services Center; Possession and Relinquishment. Amend 2023, 2:4 to read
2 as follows:

3 2:4 Possession and Relinquishment of the Sununu Youth Services Center (SYSC). As of the date
4 of the opening of the youth development center set forth in section 2 of this act, and notwithstanding
5 RSA 4:40, the department of administrative services shall take possession of the entire property
6 currently housing the SYSC on South River Road in Manchester, New Hampshire. The department
7 shall relinquish the property and any revenues received shall be deposited in the general fund.
8 ***Until such time the property is relinquished, the department shall request an***
9 ***appropriation, subject to the approval from the fiscal committee and the governor and***
10 ***executive council, funds necessary to maintain the property. The governor shall draw a***
11 ***warrant from funds not otherwise appropriated.*** The department shall consult with the city of
12 Manchester, the New Hampshire department of business and economic affairs, and other
13 organizations, as appropriate, prior to any sale of the property. In relinquishing the property, the
14 return of the property to an entity that will enhance the tax and business tax rolls of the city of
15 Manchester and the state of New Hampshire shall be a high priority. Any relinquishment of the
16 SYSC shall be approved by the governor and council.

17 243 Youth Detention Center; Construction Funds. Amend 2023, 79:443 to read as follows:

18 79:443 Youth Detention Center; Construction Funds. Notwithstanding any other act of the
19 legislature or law to the contrary, any secured treatment facility constructed to replace the current
20 Sununu Youth Services Center shall be funded entirely with federal discretionary funds
21 appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, including any funds which
22 have previously been allocated by the governor but which have not been expended. No state general
23 funds shall be appropriated for the purpose of constructing the replacement facility and any funds
24 appropriated to the project shall not be transferred or used for any other purpose. ***The use of***
25 ***general funds or federal discretionary funds which may become available, may be utilized***
26 ***to support activities or infrastructure to integrate facilities or operations between***
27 ***Hampstead Hospital and the replacement facility. The department shall undertake an***
28 ***initiative to consider establishment of a new permanent name for the Youth Development***
29 ***Center.***

30 244 Youth Development Center Claims Administration and Settlement Fund; Attorney's Fees;
31 Periodic Payment. Amend RSA 21-M:11-a, XV to read as follows:

32 XV. The administrator may approve all fees and costs of attorneys who represent claimants
33 in proceedings before the administrator. The administrator shall not approve any request of an
34 attorney for fees or costs which are not reasonable. The administrator shall not approve an
35 attorney's fee in excess of 33.33 percent of the amount of the award. All costs and attorney's fees
36 paid to a claimant's attorney shall be paid from the amount awarded to the claimant. ***Whenever the***
37 ***administrator determines that a claim shall be paid in periodic payments pursuant to***

subparagraph XII(a), the administrator shall require that any attorney's fee approved under this paragraph be paid in equal installments and over the same number of years as the periodic payment schedule that is applicable to the amount awarded to the claimant. The administrator shall add an interest assessment of 5 percent of the remaining unpaid amount of the fee per annum for each year of repayment, which shall be compounded annually.

245 Youth Development Center Settlement Fund; Appropriations.

The sum of \$10,000,000 for fiscal year ending June 30, 2026, and \$10,000,000 for fiscal year ending June 30, 2027, is hereby appropriated to the youth development center YDC settlement fund established in RSA 21-M:11-a, II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

246 Department of Justice; Approval of Settlement Agreement in Michael Gilpatrick v. N.H. D.H.H.S, et al.

Pursuant to RSA 14:35-b, the settlement agreement executed by the department of justice in the case of *Michael Gilpatrick v. N.H. D.H.H.S, et al.*, Docket No. 217-2021-CV-00479, including the payment of \$10,000,000 to plaintiff Michael Gilpatrick and all other terms of the settlement agreement dated March 5, 2025, is hereby approved, and the sum of \$10,000,000 is hereby appropriated for the purpose of fulfilling the state's obligations under the settlement agreement. The payment of \$10,000,000 to plaintiff Michael Gilpatrick shall be made pursuant to the processes established by the department of justice and department of administrative services pursuant to RSA 99-D:2, RSA 541-B, and the terms of the settlement agreement.

247 Department of Natural and Cultural Resources; Division of Arts; Removed. Amend RSA 12-A:1 to read as follows:

12-A:1 Establishment. There shall be a department of natural and cultural resources under the executive direction of a commissioner of natural and cultural resources, consisting of a division of forests and lands, a division of parks and recreation, a division of libraries, ~~[a division of arts,]~~ and a division of historical resources, which shall also be known as the state historic preservation office. The department's purpose shall be to ensure the efficient coordinated function of the ~~[5]~~ 4 divisions, whereby the interests of protection and responsible management of natural and cultural resources, public enjoyment of state parks and forests, the state library, arts, film and digital media, and historic resources are each held to be of integral importance in the overall functioning of the department. All functions of the former department of cultural resources are hereby transferred, as of July 1, 2017, to the department of natural and cultural resources.

248 Powers and Duties of Department of Natural and Cultural Resources; State Library and Arts Removed. Amend RSA 12-A:1-c to read as follows:

12-A:1-c Powers and Duties of Department of Natural and Cultural Resources.

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I. The department of natural and cultural resources shall be responsible for the following general functions:

- (a) Providing information services to state government.
- (b) Developing strategies for the conservation, management, and protection of the state's forests and lands and the promotion of the state's parks and recreation resources.
- (c) Developing and coordinating a statewide library service network.
- (d) ~~[Stimulating and encouraging public interest and participation in the study and presentation of the performing and fine arts.]~~
- (e) Sponsoring state historic preservation activities.
- ~~(f) [Repealed.]~~

II. The commissioner shall assign, with the approval of the advisory commission, such duties and functions to the ~~[5]~~ 4 divisions of the department, as in his or her discretion will best effectuate the purposes, powers, and duties set forth in this section and as otherwise provided by statute.

249 New Hampshire Commission on Native American Affairs Established. Amend RSA 12-A;14-a, II to read as follows:

II. The commission shall consist of 15 members who derive from geographically diverse areas of the state and are representative of the diverse groups, organizations, and individuals knowledgeable about Native American history, culture, and affairs as follows:

- (a) The director or designee of the division of travel and tourism development, department of business and economic affairs.
- (b) The director or designee of the Native American Program at Dartmouth College.
- (c) An archaeologist appointed by the director of the division of historical resources.
- (d) ~~[The director or designee of the state council on the arts.]~~
- (e) ~~Eleven~~ **Twelve** members from the public at large, who shall be representatives from the Native American community, appointed by the governor from recommendations prepared by the director of the division of historical resources. All interested individuals shall submit a letter to the director of the division of historical resources stating why they wish to be considered and their qualifications accompanied by 3 letters of recommendation.

250 Repeal. The following are repealed:

I. RSA 19-A, relative to the council on the arts.

II. RSA 21-K:6, relative to the division of the arts.

III. RSA 6:12,I(b)(103), relative to the state art fund.

IV. RSA 12-A:2-k, IV, relative to the administration of the division of the arts.

251 Department of Natural and Cultural Resources; Division of Parks and Recreation; Bureau of Trails; Grant-in-Aid. For the biennium ending June 30, 2027, and notwithstanding any provision of law or administrative rule to the contrary, the limitations on percentages of grant-in-aid administered by the department of natural and cultural resources, division of parks and recreation,

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bureau of trails, for the development and maintenance of OHRV trails on private, municipal, state, or federal lands shall be as follows:

I. For the grant period of June 1, 2025, to May 31, 2026:

- (a) Eighty percent of the cost of renting equipment required to complete a project.
- (b) Eighty percent of the cost of purchasing trail maintenance equipment.
- (c) Eighty percent of the cost of reconditioning trail grading equipment.
- (d) Eighty percent of the cost of operations for summer trail grading.

II. For the grant period of June 1, 2026, to June 30, 2027:

- (a) Eighty percent of the cost of renting equipment required to complete a project.
- (b) Eighty percent of the cost of purchasing trail maintenance equipment.
- (c) Eighty percent of the cost of reconditioning trail grading equipment.
- (d) Eighty percent of the cost of operations for summer trail grading.

252 Powers and Duties of the Hampton Beach Commission. Amend the introductory paragraph to RSA 216-J:3 to read as follows:

Subject to available funds, the Hampton Beach area commission shall:

253 Hampton Beach Master Plan Fund. Amend RSA 216-J:5 to read as follows:

216-J:5 Hampton Beach Master Plan Fund. There is hereby established in the office of the state treasurer a fund to be known as the Hampton Beach master plan fund which shall be kept separate and distinct from all other funds and shall be continually appropriated to the commission. Such fund shall be the depository of all gifts, grants, or donations made to the commission pursuant to RSA 216-J:4. Implementation expenses, the expenses of the commission, its commissioners, ~~and~~ any employees of the commission, ***and operations and initiatives of the commission***, shall be paid from such fund. Any moneys in such fund shall not lapse into the general fund of the state.

254 Department of Business and Economic Affairs; Division of Travel and Tourism Budget; Meals and Rooms Tax Revenue; Suspension. The provisions of RSA 12-O:11-b, crediting a portion of meals and rooms tax revenue to the division of travel and tourism, are hereby suspended for the biennium ending June 30, 2027.

255 Department of Transportation; Sale of Rest Areas and Welcome Centers. To the extent permitted by federal law, the department of transportation shall sell or lease, for commercial use only, non-turnpike rest areas and welcome centers by July 1, 2026, unless such facilities are leased by an entity or organization that agrees to assume any and all costs associated with the operation and maintenance of such rest areas or welcome centers.

256 Assistant State Treasurers. Amend RSA 6:28 to read as follows:

6:28 Appointment; Removal. The state treasurer may appoint [2] assistant state treasurers who shall hold office during good behavior. The governor and council may remove an assistant for cause as they may remove the treasurer.

257 Tax on Meals and Rooms; Disposition of Revenue; Suspension of Deposits Into the Meals and Rooms Municipal Revenue Fund. RSA 78-A:26, III, relative to tax revenue deposited into the meals and rooms municipal revenue fund for distribution to cities, towns and unincorporated places, shall be suspended for the biennium ending June 30, 2027. The amount of meals and rooms tax deposited into the municipal revenue for distribution to the unincorporated towns, unorganized places, towns, and cities shall be \$137,000,000 in the fiscal year ending June 30, 2026 and \$137,000,000 in the fiscal year ending June 30, 2027 as appropriated in the operating budget for the biennium ending June 30, 2027. These funds shall be distributed based on the methodologies used for the distribution of such funds in the fiscal year ending June 30, 2025.

259 Salaries Established. Amend RSA 94:1-a, I(b) by deleting the following:

260 Commissioner of Health and Human Services. Amend RSA 126-A:5, XXXIII(a) to read as
follows:

261 Notice and Record-Keeping Requirements. Amend the introductory paragraph of RSA 126-
U:7, II to read as follows:

II. A facility employee or school employee who uses seclusion or restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification, on a form developed by the department of education and department of health and human services~~[, in consultation with the office of the child advocate,]~~ containing the following information to the director or his or her designee:

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1 262 Residential Treatment Programs; Certification Required. Amend RSA 169-F:9, III-V to
2 read as follows:

3 III. The team shall develop a standard operating procedure and form for assessment of the
4 programs to be completed during each in-person visit~~[, in consultation with the office of the child~~
5 ~~advocate]~~.

6 IV. The department shall assess and certify every in-state and out-of-state program
7 including residential treatment programs and psychiatric residential treatment programs prior to
8 entering into an agreement for payment, and prior to the placement of any child in that facility. To
9 be certified by the department, the program shall demonstrate compliance with staff training and
10 program requirements and offer an appropriate therapeutic milieu and culture centered in trauma-
11 informed care, in accordance with standards adopted by the department~~[, in consultation of the office~~
12 ~~of the child advocate]~~.

13 V. The department shall make monitoring visits at least twice per year, including at least
14 one unannounced visit, to all facilities where New Hampshire children are currently placed by the
15 state in residential treatment. The department shall continue to make annual certification or
16 technical assistance visits to all certified residential placement facilities; if a child is being placed at
17 a residential facility that did not currently have a New Hampshire child placed, the department
18 shall make a visit prior to the placement of that child unless a department visit has occurred within
19 the past 120 days. Clear and comprehensive records shall be maintained by the department on each
20 facility showing the dates and findings of each such visit. Such records shall be available to the
21 facility~~[and provided to the office of the child advocate]~~, as well as included in the paperwork for the
22 certification and/or re-certification process. If the facility is found not to be in compliance with the
23 statute, the rules adopted by the commissioner, or the contract, if applicable, a corrective action plan
24 shall be submitted to the department, and the department shall notify the licensing agency of that
25 facility~~[and the office of the child advocate]~~. Failure to submit an acceptable plan or a failure to
26 take the necessary corrective actions shall result in the immediate removal of all New Hampshire
27 children from that facility, and/or revocation of the certification.

28 263 Foster Care Children's Bill of Rights. Amend RSA 170-G:21, XIV to read as follows:

29 XIV. To be informed of the process for contacting the child protective services worker's
30 supervisor, or other department staff, **and** the guardian ad litem~~[, and the office of the child~~
31 ~~advocate]~~.

32 264 Claimant Eligibility; Compensation. Amend RSA 21-M:8-h, II to read as follows:

33 II. The claimant, guardian ad litem ~~[or child advocate]~~, or parent may file a claim for
34 compensation within 2 years of the crime, unless good cause is shown. A claimant who was the
35 victim of sexual abuse or human trafficking under subparagraph I(a)(3), or a guardian ad litem,
36 ~~[child advocate,]~~ or parent on behalf of such claimant, may file a claim at any time.

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1 265 Oversight of Children in Care; Department Responsibilities. Amend RSA 169-F:7, II to read
2 as follows:

3 II. The department shall develop~~[, in consultation with the office of child advocate,]~~ a
4 standard operating procedure and form for monthly visits with children conducted by the
5 department, pursuant to RSA 169-F:5, I, to be completed during each monthly in-person visit.

6 266 Repeal. The following are repealed:

7 I. RSA 21-V, relative to the office of the child advocate.

8 II. RSA 132:41, III(l), relative to child fatality review committee.

9 267 Participation by Members; Retirement System; Defined Contribution Plan. Amend the
10 introductory paragraph of RSA 100-A:3, I(a) to read as follows:

11 I.(a) Any person who becomes ~~[an]~~ **a political subdivision** employee, teacher, permanent
12 policeman, or permanent fireman after the date of establishment, **or who begins state employee**
13 **service before January 1, 2026** working in a position for an employer under this chapter as
14 determined by common law standards, shall become a member of the **defined benefit** retirement
15 system as a condition of employment. In addition, employees appointed to an unclassified position
16 with no fixed term on or after July 1, 2011, **and before January 1, 2026**, shall become members of
17 the **defined benefit** retirement system as a condition of employment if they are receiving benefits
18 from the retirement system. Any retirement benefit collected by such an unclassified employee shall
19 be suspended during the period of employment. Membership in the retirement system shall be
20 optional in the case of elected officials, officials appointed for fixed terms, employees appointed to an
21 unclassified position with no fixed term prior to July 1, 2011, or those employees of the general court
22 who are eligible for membership in the retirement system. ~~[Other]~~ Elected officials and officials
23 appointed for fixed terms shall, however, be eligible for membership in the retirement system only
24 under the following conditions:

25 268 Unfunded Accrued Liability; Group III Members. Amend RSA 100-A:16, II(e)(1) to read as
26 follows:

27 (e)(1) Immediately following the actuarial valuation prepared as of June 30 of each fiscal
28 year, the board shall have an actuary determine the amount of the unfunded accrued liability for
29 each member classification, proportionally reduced using sums dedicated as provided in RSA 21-I:95,
30 II, as the amount of the total liabilities of the state annuity accumulation fund on account of such
31 classification which is not dischargeable by the total of the funds in hand to the credit of the state
32 annuity accumulation fund on account of such classification, and the aforesaid normal contributions
33 to be made on account of the members in such classification during the remainder of their active
34 service. The amount so determined with respect to each member classification shall be known as the
35 "unfunded accrued liability" with respect to such classification. **The accrued liability**
36 **contribution percentage chargeable to a group III employer shall be 10.11 percent.**

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1 269 New Subdivision; Group III; Retirement System Defined Contribution Plan. Amend RSA
2 100-A by inserting after section 58 the following new subdivision:

3 Group III Retirement System Defined Contribution Plan

4 100-A:59 Definitions. In this subdivision:

5 I. "Commission" means the deferred compensation commission under RSA 101-B.

6 II. "Member" means a person who is required to or elects to participate in the plan
7 established in this subdivision.

8 III. "Plan" means the group III defined contribution plan established for members. The
9 defined contribution retirement plan is a plan in which savings are accumulated in an individual
10 account for the exclusive benefit of the member or beneficiaries. The plan is established effective
11 January 1, 2026, at which time contributions by members begin.

12 100-A:60 Group III; Defined Contribution Plan Established. There is hereby established a
13 retirement benefit plan for members required to, or who voluntarily elect to, enroll in the plan, who
14 began service on or after January 1, 2026. The defined contribution retirement plan is intended to
15 qualify under 26 U.S.C. section 401(a) and section 414(d), the Internal Revenue Code, as a qualified
16 retirement plan established and maintained by the state for its employees. All qualifying
17 contributions shall be held and invested by the commission. All assets received by the plan shall be
18 held for the exclusive benefit of plan participants and their beneficiaries and applied solely as
19 provided by the plan. The commission shall determine the terms and provisions of the plan not
20 inconsistent with this subdivision, the Internal Revenue Code, or other applicable law and shall
21 provide for the plan's administration.

22 100-A:61 Membership. Any state employee other than a teacher, permanent policeman, or
23 permanent fireman, who was entered on the payroll on a full-time or eligible part-time basis on or
24 after January 1, 2026 shall as a condition of employment be a member of the group III defined
25 contribution plan established in this subdivision; except that membership shall be optional in the
26 case of elected officials, officials appointed for fixed terms, unclassified state employees, or those
27 employees of the general court who are eligible for membership in the retirement system.

28 100-A:62 Administration; Rulemaking.

29 I. The administrator of the plan shall be the executive director of the deferred compensation
30 plan, who shall have the assistance and services of the department of administrative services for all
31 duties and responsibilities under this subdivision. The department of administrative service may
32 employ and assign staff to the executive director and commission for the administration of the plan.

33 II. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the
34 procedure for administration of the investment options of members and beneficiaries, benefit
35 distributions, and forms necessary for the administration of this subdivision.

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1 100-A:63 Administration of Plan. The commission may contract with a third-party
2 administrator for the plan for the administration of assets accumulated under each participant's
3 account.

4 100-A:64 Powers of the Commission. The commission, in addition to its powers and duties set
5 forth in this subdivision and RSA 101-B, shall have the following powers and duties to establish the
6 plan and trust and administer the provisions of this subdivision:

7 I. The commission may commingle or pool assets with the assets of other persons or entities.

8 II. The commission shall pay all administrative fees, costs, and expenses of managing,
9 investing and administering the plan, and the individual investment accounts from the balance of
10 such individual investment accounts except as otherwise provided under this subdivision or as the
11 legislature otherwise provides by appropriation.

12 III. The commission shall have the power to change the terms of the plan as may be
13 necessary to maintain the tax-qualified status of the plan.

14 IV. The commission may establish a process for election to participate in the plan by those
15 employees eligible to do so for whom participation is not mandatory.

16 V. The commission may allow an inactive participant to maintain the participant's
17 individual investment account within the plan.

18 VI. The commission shall ensure that participants are provided with educational materials
19 about investment options and choices.

20 100-A:65 Contributions by Member. The member participating under this subdivision shall
21 contribute 7 percent of earnable compensation to the plan.

22 100-A:66 Limitations on Contributions. Notwithstanding any other provisions of this plan, the
23 annual total member contributions to each individual's account under this plan, including any
24 additional voluntary contributions under RSA 101-B, may not exceed, for any limitation year, the
25 amount permitted under 26 U.S.C. section 415 at any time. If the amount of a member's defined
26 contribution plan contributions exceeds the limitation of 26 U.S.C. section 415(c) for any limitation
27 year, the administrator shall take any necessary remedial action to correct an excess contribution.

28 100-A:67 Contributions by Employer. Employers under the plan shall contribute an amount
29 equal to 2.42 percent of a member's earnable compensation for deposit in the member's individual
30 account.

31 100-A:68 Investment of Individual Accounts.

32 I. A member's individual account shall be invested as authorized in RSA 101-B.

33 II. Except to the extent clearly set out in the terms of the investment plans offered by the
34 employer to the employee, the employer is not liable to the participant for investment losses if the
35 prudent investment standard has been met.

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1 III. The employer, administrator, state, or commission, or a person or entity who is
2 otherwise a fiduciary, is not liable for any participant's investment loss that results from the
3 participant's directing the investment of plan assets allocated to the participant's account.

4 100-A:69 Vesting. Employee contributions and investment return attributable to contributions
5 shall be 100 percent vested as of the date of contribution or accrual. Any contribution by the
6 employer shall be 100 percent vested after 2 years of service. The 2 years of service need not be
7 continuous.

8 100-A:70 Withdrawal of Funds. Distributions from an account of a member shall be permitted
9 in the following circumstances, subject to applicable rules and limitations under federal regulations:

10 I. Termination of employment.

11 II. Retirement.

12 III. Upon turning age 59½ and still employed as limited by federal regulations.

13 IV. If the member becomes disabled.

14 V. If the member dies.

15 VI. Financial hardship as defined in applicable federal regulations.

16 VII. Required distributions.

17 100-A:71 Required Distributions. All payments under this subdivision shall start and be made
18 in compliance with the minimum distribution requirements and incidental death benefit rules of
19 Internal Revenue Code section 401(a)(9). The commission shall take any action and make any
20 distributions it may determine are necessary to comply with those requirements.

21 100-A:72 Health Insurance Group Insurance Inclusion. Any retired member and his or her
22 beneficiaries may participate in the retiree group insurance programs authorized by RSA 21-I:26
23 through RSA 21-I:36 at his or her own expense unless otherwise provided.

24 270 Medical and Surgical Benefits. Amend the introductory paragraph of RSA 21-I:30, VI to
25 read as follows:

26 VI. For the purposes of this section, "retired employee" means each group I *or group III*
27 state employee who:

28 271 Medical or Surgical Benefits. Amend RSA 21-I:30, VIII to read as follows:

29 VIII. Any vested deferred state retiree may receive medical and surgical benefits under this
30 section if the vested deferred state retiree is eligible. To be eligible, a group I *or group III* vested
31 deferred state retiree shall have at least 10 years of creditable service with the state if the
32 employee's service began prior to July 1, 2003, or 20 years of creditable service with the state if the
33 employee's service began on or after July 1, 2003, and a group II vested deferred state retiree shall
34 have at least 20 years of creditable service with the state if the employee's service with the state
35 began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I
36 *or group III*, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state
37 retiree is a member of group II who is in vested status before January 1, 2012, such retiree shall not

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1 be eligible until 20 years from the date of becoming a member of group II and shall be at least 45
2 years of age, and any group II member who commenced service on or after July 1, 2011 shall not be
3 eligible until 25 years from the date of becoming a member of group II and shall be at least 52.5
4 years of age, and group II members who have not attained vested status prior to January 1, 2012
5 shall be as provided in the transition provisions in RSA 100-A:5, II(d).

6 272 Medical and Surgical Benefits. Amend RSA 21-I:30, XI to read as follows:

7 XI. A state employee who commences service on or after July 1, 2011 and who is eligible for
8 benefits under this section shall not receive such benefit until attaining age 52.5 if the state
9 employee retired from group II service with the state or attaining age 65 if the state employee
10 retired from group I **or group III** service with the state.

11 273 Additional Medical and Surgical Benefits. Amend RSA 21-I:30-a, I and II to read as follows:

12 I. The state shall pay a premium for permanent group hospitalization, hospital medical care,
13 surgical care, and other medical and surgical benefits for the surviving spouse and dependent
14 children of a deceased group I, ~~group II~~, **or group III** state employee or retirement system
15 member who dies as the natural and proximate result of injuries suffered while in the performance
16 of duty, provided that:

17 (a) Any such child shall qualify as a dependent under the provisions of RSA 21-I:26-36
18 and be under 18 years of age, or if a full-time student, be under 26 years of age.

19 (b) Any such surviving spouse shall cease to be qualified for medical and surgical
20 benefits under this section upon the remarriage of the surviving spouse.

21 (c) No surviving spouse or dependent children shall be qualified or continue to be
22 qualified for medical and surgical benefits under this section while receiving medical insurance or
23 health care benefits from any other employer-sponsored plan.

24 (d) The state shall pay the premium for supplemental medical and surgical benefits
25 under this section for any such child who qualifies as a dependent under the provisions of RSA 21-
26 I:26-36 and who is eligible for Medicare benefits.

27 II. In the case of the surviving spouse and dependent children of a group I, ~~group II~~, **or**
28 **group III** state employee or retirement system member who are eligible for medical and surgical
29 benefits under this section and also under the provisions of RSA 100-A:50-55, the state shall pay the
30 difference between the amount paid under RSA 100-A:52 and the premium paid under paragraph I.

31 274 Initial Funding; Appropriation. All initial fees, costs and expenses of establishing and
32 administering the plan and investing the assets of the plan under RSA 100-A:59 through 100-A:72
33 shall be borne by the state general fund until July 1, 2026, after which they will be borne by the
34 participants and paid from assessments against the balances of the individual investment accounts
35 as established by the commission. The governor is authorized to draw a warrant for the sum
36 necessary for such administration out of any money in the treasury not otherwise appropriated.

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1 275 Liquor Commission; Division of Enforcement and Licensing Renamed Division of Licensing.
2 Amend RSA 176:8 to read as follows:

3 176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of
4 unclassified division directors. The directors shall be nominated by the commissioner for
5 appointment by the governor with the consent of the council and shall serve for terms of 4 years
6 dependent upon maintaining good behavior and competence. There shall be a division of marketing,
7 merchandising, and warehousing, a division of administration, and a division of ~~[enforcement and]~~
8 licensing. The director of the division of ~~[enforcement and]~~ licensing shall be subject to a background
9 check by the state police prior to appointment.

10 276 Liquor Commission; Liquor Investigator Renamed Liquor Specialist. Amend RSA 176:9 to
11 read as follows:

12 176:9 Liquor ~~[Investigator]~~ ***License Specialists***; Training.

13 I. The commission may, subject to rules adopted by the director of personnel, employ and
14 dismiss liquor ~~[investigators]~~ ***license specialists***. Liquor ~~[investigators]~~ ***license specialists*** shall,
15 under the direction of the commission, investigate any or all matters arising under this title.

16 II. ~~[Any new liquor investigator employed by the commission under this section after August~~
17 ~~13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training~~
18 ~~program as provided by RSA 106-L:6, unless he or she has already completed such a program.~~

19 III. The commissioner, deputy commissioner, assistant, or liquor ~~[investigator]~~ ***license***
20 ***specialist***, may enter any place where liquor, beverages, tobacco products, e-cigarettes are sold or
21 manufactured, ~~[at any time]~~ ***only during business hours***, and may examine any license or permit
22 issued or purported to have been issued under the terms of this title. They shall make complaints for
23 violations of this title.

24 277 Closing of State Stores; Enforcement and Licensing Division Renamed. Amend RSA 177:2,
25 II to read as follows:

26 II. In order to properly reflect the operating expenses of each state store, the commission
27 shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the
28 commission. All such expenses of the commission, with the exception of the ~~[enforcement and]~~
29 licensing division operating expenses, shall be included in the plan and allocated to all state stores
30 on a consistent, rational basis. No later than 30 days following the closure of any state liquor store,
31 the commission shall submit a revised indirect cost allocation plan to the fiscal committee of the
32 general court and the governor and council for approval.

33 278 Liquor/Wine/Beverage Warehouse License; Division of Enforcement and Licensing
34 Renamed. Amend RSA 178:11, V to read as follows:

35 V. Liquor/wine/beverage warehouseurs shall submit a monthly report both to the liquor
36 commission ~~[enforcement]~~ and licensing division and the marketing, merchandising, and

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warehousing division of the commission by the fifteenth day of the following month indicating the quantity, type, size, and brands of all product received, stored, or shipped on their premises.

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

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

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

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

281 Transportation of Beverages and Wine; Liquor Investigators Renamed. Amend RSA 179:15, V to read as follows:

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

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

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

283 Prosecutions; Liquor; January 1, 2026. RSA 179:59 is repealed and reenacted to read as follows:

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1 179:59 Prosecutions. The commission shall appoint liquor license specialists whose primary
2 function shall be the proper prosecution of this title. The liquor license specialists shall have
3 statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or
4 independently of, the officers of any county or town. The commission shall have the primary
5 responsibility for the enforcement of all liquor and beverage laws upon premises where liquor and
6 beverages are lawfully sold, stored, distributed, or manufactured. Any person violating the
7 provisions of any law may be prosecuted by the commission or any of its investigators as provided in
8 this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of
9 towns.

10 284 Interference with Liquor Investigators; Renamed Liquor License Specialists. Amend RSA
11 179:60 to read as follows:

12 179:60 Interference With Liquor ~~[Investigators]~~ **License Specialists**. It shall be unlawful to
13 ~~[resist or attempt to resist arrest by a liquor investigator, or to]~~ obstruct[,] or to intimidate or
14 interfere with a liquor ~~[investigator]~~ **license specialist** in the performance of ~~[his]~~ **their** duty. Any
15 person who violates any of the provisions of this section shall be guilty of a misdemeanor.

16 285 Enforcement and Licensing Renamed. Amend RSA 21-J:14, V(d)(9) to read as follows:

17 (9) An officer or employee of the division of enforcement of the liquor commission,
18 pursuant to an agreement for exchange of information between the department and the division of
19 ~~[enforcement]~~ **licensing**, for the purposes of, and only to the extent necessary for, the
20 administration and enforcement of RSA 78:16. Officers or employees of the division of ~~[enforcement]~~
21 **licensing** having any confidential and privileged department information obtained from the
22 department pursuant to the exchange agreement authorized under this subparagraph shall be
23 subject to the provisions of this section.

24 286 Enforcement and Licensing Division Renamed. Amend RSA 179:13, V to read as follows:

25 V. Each wholesale distributor, brew pub licensee, or beverage manufacturer shall notify any
26 retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment
27 of accounts. Notification shall be delivered in writing to the licensee by a representative of the
28 wholesaler, brew pub licensee, or beverage manufacturer. Proof of notification shall be forwarded to
29 the commission, whose ~~[enforcement]~~ **licensing** division shall issue an administrative notice for a
30 violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative
31 action. Any license issued to any business violating the provisions of RSA 179:13, I may be
32 suspended by the commission for nonpayment of accounts which are delinquent more than 15 days
33 from the date of the wholesale distributor's, brew pub licensee's, or beverage manufacturer's
34 notification, providing the requirements of this section have been met.

35 287 Effective Date. Section 283 of this act shall take effect January 1, 2026.

36 288 Magistrates; Permitted to Continue Duties. Notwithstanding any other law to the contrary,
37 any magistrate appointed to that position before January 31, 2025 pursuant to RSA 491-B:1 as that

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law existed on January 31, 2025, may continue to exercise the duties of the magistrate, as provided by RSA 491-B:2 as that law existed on January 31, 2025, except no magistrate shall conduct bail hearings or make bail determinations. Any magistrate so appointed may continue to exercise those duties until the end of any term commenced before January 31, 2025, or the end of their employment with the judicial branch, whichever is earlier, but in no event later than January 1, 2030.

289 Effective Date. Section 288 of this act shall take effect September 21, 2025 at 12:01 a.m.

290 Superior Court; Commercial Court Docket. RSA 491:7-a is repealed and reenacted to read as follows:

491:7-a Commercial Court Docket.

I. Without limiting the jurisdiction vested in any court in the state, the supreme court may establish by court order not inconsistent with this section, a commercial court docket in the superior court which shall have jurisdiction to hear and determine disputes identified in paragraph II.

II. The court shall have jurisdiction to hear:

(a) Commercial disputes when:

(1) The parties have consented to the jurisdiction of the commercial court docket by agreement or stipulation;

(2) At least one party is a "business entity," which means a corporation, a statutory trust, a business trust or association, a real estate investment trust, a common law trust, any other unincorporated business, including a partnership, whether a general or a limited liability partnership, or limited partnership, including a limited liability limited partnership, a limited liability company, a professional association, or a joint venture;

(3) No party is a consumer, which means an individual who purchases or leases merchandise primarily for personal, family, or household purposes;

(4) If money damages are sought, the amount in controversy exceeds \$50,000 or such other greater amount as the supreme court determines by rule; and

(5) The principal claim or claims arise from or involve one or more of the following:

(A) Claims arising from breach of contract or fiduciary duties, fraud, misrepresentation, business tort, or statutory violations arising out of business dealings or transactions.

(B) Claims arising from transactions under the Uniform Commercial Code.

(C) Claims arising from the purchase, sale, and lease of commercial real or personal property or security interests therein.

(D) Claims related to surety bonds.

(E) Franchisee/franchisor relationships and liabilities.

(F) Malpractice claims of non-medical professionals in connection with rendering services to a business enterprise.

(G) Real estate title petitions.

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(H) Shareholder derivative actions.

(I) Commercial class actions.

(J) Commercial bank transactions.

(K) Actions relating to the internal affairs or governance; dissolution or liquidation rights obligations between and among owners, including shareholders, partners, or members; or liability or indemnity of managers, including officers, directors, managers, trustees, or members or partners functioning as managers, of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures, or other business enterprises.

(L) Business insolvencies and receiverships.

(M) Other complex disputes of a business or commercial nature.

(b) Appeals from decisions of local land use boards, including, but not limited to decisions of municipal planning boards, zoning boards, historic district commissions, and conservation commissions. All appeals to superior court filed pursuant to RSA 677 and all proceedings for such appeals, shall be assigned to the commercial court docket. The jurisdiction of this docket shall not include appeals of decisions by state agencies.

(c) Any case formerly under the jurisdiction of the board of tax and land appeals, or any case where the principal claim or claims arise from or involve:

(1) Questions of taxation brought by a taxpayer.

(2) Appeals by municipalities relating to the equalized valuation of property determined by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any municipality aggrieved by its own equalized valuation as determined by the commissioner of revenue administration shall appeal to the superior court in writing within 30 days of notice of its final equalized valuation by the commissioner. The court shall hear and make a final ruling on such appeal within 60 days of its receipt by the board. Any further appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is issued by the superior court to the municipality. The supreme court shall give any appeal under this subsection priority in the court calendar.

(3) The condemnation of property for public uses and the assessment of damages therefor as provided in RSA 498-A.

(4) Orders for reassessment properly brought pursuant to RSA 71-B:16.

III. The court shall have the jurisdiction to hear all proceedings of any case for which it has jurisdiction, including motion practice, discovery, injunctive relief, alternative dispute resolution, and hearing on the merits with or without a jury.

IV. For any case heard pursuant to subparagraph II(b), the court shall hold a structuring conference within 30 days of its receipt of the notice of appeal. At the structuring conference the court shall set a deadline for the filing with the court of the certified record and shall schedule a

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1 hearing on the merits to be held within 60 days of receipt of the certified record. The court shall
2 issue a decision on the merits within 60 days of the hearing. The court may extend any of the
3 deadlines established in this paragraph upon agreement of the parties or for other good cause
4 shown, but if the extension is based upon good cause, the court shall articulate in its order granting
5 the extension the specific facts and circumstances that warrant the extension.

6 V. The presiding justice of the former business and commercial dispute docket and the
7 presiding justice of the former land use review docket shall continue their respective appointments
8 as justices of the commercial court docket. The governor with the consent of the executive council
9 may appoint a third justice to the commercial court docket, who shall be qualified by reason of such
10 person's knowledge and experience in tax law matters. This justice shall be an additional justice of
11 the superior court, which shall increase by one the number of authorized justices of the superior
12 court as provided in RSA 491:1. The chief justice of the superior court, following the appointment or
13 designation of the initial third justice, may designate such additional justices to preside over
14 commercial court docket cases, as necessary, based upon caseload, disqualification of the presiding
15 justice, or efficient allocation of judicial resources.

16 VI. The justices of the commercial court docket shall be associate justices of the superior
17 court and shall be entitled to the compensation and benefits provided to all such justices under
18 applicable law, including, but not limited to, RSA 491-A:1 and RSA 100-C.

19 VII. The workload of the justices of the commercial court docket shall be the matters before
20 that docket. The justices may be assigned to any other matter within the jurisdiction of the superior
21 court or sit by designation on any other court in the same manner as any other associate justice of
22 the superior court, as determined to be necessary by the chief justices of the superior and supreme
23 court.

24 291 Superior Court; Justices. Amend RSA 491:1 to read as follows:

25 491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and
26 council to a 5-year term, and [22] 24 associate justices. Said justices shall be appointed and
27 commissioned as prescribed by the constitution and shall exercise the powers of the court unless
28 otherwise provided. The chief justice shall be appointed from among the associate justices. In the
29 event that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-
30 year term, he or she may return to the position of associate justice, whether or not an associate
31 justice vacancy then exists.

32 292 Repeal. RSA 491:7-b, relative to land use review docket, is repealed.

33 293 Chapter Name Change. The chapter name preceding RSA 354-A is repealed and reenacted
34 to read as follows:

LAWS AGAINST DISCRIMINATION

35
36 294 Title and Purpose of Chapter. Amend RSA 354-A:1 to read as follows:

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354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. ~~[A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.]~~ In addition, the **state departments and agencies** ~~[and councils so created]~~ shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.

295 Definitions; Employer. Amend RSA 354-A:2, VII to read as follows:

VII. "Employer" does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the ~~[human rights commission]~~ **department of justice** that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status. "Employer" shall include the state and all political subdivisions, boards, departments, and commissions thereof.

296 Fair Housing; Exemptions. Amend the introductory paragraph of RSA 354-A:15, VIII(a)(3)(C) to read as follows:

(C) The housing facility or community complies with rules ~~[adopted by the commission]~~ for verification of occupancy, which shall:

297 Complaints; Pending Cases. RSA 354-A:21 is repealed and reenacted to read as follows:

354-A:21 Complaints; Pending Cases.

I. Any person claiming to be aggrieved by a discriminatory practice prohibited by this chapter may initiate a civil action for legal or equitable relief by filing a complaint with the superior court.

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1 II. For any case pending before the state commission for human rights as of the effective
2 date of this section, the person who initiated such case may refile the case in the superior court. Any
3 filing fee normally charged shall be waived. Any applicable statute of limitations shall be considered
4 tolled for the duration of the time that the case was pending before the commission for human
5 rights.

6 298 Posting of Notices. Amend RSA 354-A:23 to read as follows:

7 354-A:23 Posting of Commission Notices. Every person, employer, employment agency, labor
8 union, real estate agency and rental office subject to this chapter shall post in a conspicuous place or
9 places on his premises a notice to be prepared or approved by the ***department of justice***
10 ~~[commission]~~, which shall set forth excerpts of this chapter and such other relevant information
11 which the ~~[commission]~~ ***department of justice*** deems necessary to explain the chapter. Any
12 employer, employment agency, real estate agency, rental office or labor union refusing to comply
13 with the provisions of this section shall be guilty of a violation if a natural person, or guilty of a
14 misdemeanor if any other person.

15 299 Construction. Amend RSA 354-A:25 to read as follows:

16 354-A:25 Construction. No provision of this chapter shall be deemed to supersede any other
17 provision of law for the protection of minors or for the regulation of the employment of minors. The
18 provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof.
19 Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights
20 law or any other law of this state relating to discrimination because of age, sex, gender identity, race,
21 creed, color, marital status, physical or mental disability or national origin~~[- but, as to acts declared~~
22 ~~unlawful by this chapter the procedure provided in this chapter shall, while pending, be exclusive~~
23 ~~and the final determination therein shall exclude any other action, civil or criminal, based on the~~
24 ~~same grievance of the individual concerned. If such individual institutes any action based on such~~
25 ~~grievance without resorting to the procedure provided in this chapter, such person may not~~
26 ~~subsequently resort to the procedure in this chapter, provided, however, that nothing in this section~~
27 ~~shall prevent any individual from applying for or receiving unemployment compensation while the~~
28 ~~procedure provided for in this chapter is pending or after the procedure provided in this chapter has~~
29 ~~been concluded. This section shall not prevent the commission for human rights from investigating~~
30 ~~and acting upon a complaint of discrimination when the complainant has also filed a claim for~~
31 ~~unemployment compensation in which the issue of illegal discrimination is raised].~~

32 300 Procedure on Public School Complaints. Amend RSA 354-A:28 to read as follows:

33 354-A:28 Procedure on Public School Complaints.

34 I. Any person claiming to be aggrieved by a discriminatory practice prohibited under RSA
35 354-A:27 may initiate a civil action in superior court against a school or school district for legal or
36 equitable relief~~[- or file a complaint with the commission as provided in RSA 354-A:21].~~ The

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1 attorney general may also initiate such a civil action in superior court ~~[or by complaint with the~~
2 ~~commission.~~

3 ~~II. Any complaint filed with the commission pursuant to paragraph I shall comply with and~~
4 ~~be subject to the procedures outlined in this chapter, with the exception that such complaints may be~~
5 ~~removed to superior court at any time in compliance with RSA 508:4].~~

6 301 Change of School or Assignment. Amend RSA 193:3, IV(d) to read as follows:

7 (d) The decision by a school district or a public academy to deny enrollment of a non-
8 resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a
9 disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the
10 Rehabilitation Act of 1973, as amended. If a parent or guardian believes the denial was based upon
11 the child's disability, such parent may appeal the decision to the state board of education consistent
12 with the provisions of RSA 21-N:11, III or file a complaint with the ~~[state commission for human~~
13 ~~rights under RSA 354-A:28]~~ **superior court**. The decision of a parent to enroll a child in a chartered
14 public school shall not be subject to the provisions of this section.

15 302 Discrimination in Public Schools. Amend RSA 193:38 to read as follows:

16 193:38 Discrimination in Public Schools. No person shall be excluded from participation in,
17 denied the benefits of, or be subjected to discrimination in public schools because of their age, sex,
18 gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or
19 national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a
20 discriminatory practice prohibited under this section, including the attorney general, may initiate a
21 civil action against a school or school district in superior court for legal or equitable relief~~[- or with~~
22 ~~the New Hampshire commission for human rights, as provided in RSA 354-A:27-28]~~. In this section,
23 "race" means immutable traits associated with race, including hair texture and protective hairstyles
24 and "protective hairstyles" means hairstyles or hair type, including braids, locs, tight coils or curls,
25 cornrows, Bantu knots, Afros, twists, and headwraps.

26 303 Prohibition on Teaching Discrimination. Amend RSA 193:40, III to read as follows:

27 III. Any person claiming to be aggrieved by a violation of this section, including the attorney
28 general, may initiate a civil action against a school or school district in superior court for legal or
29 equitable relief~~[- or with the New Hampshire commission for human rights as provided in RSA 354-~~
30 ~~A:34]~~.

31 304 Discrimination Based on Protective Hairstyles. Amend RSA 275:37-e to read as follows:

32 275:37-e Discrimination Based on Protective Hairstyle. No person shall be subjected to
33 discrimination in employment because he or she wears a protective hairstyle. In this section,
34 "protective hairstyles" means hairstyles or hair type, including braids, locs, tight coils or curls, corn
35 rows, Bantu knots, Afros, twists, and head wraps. A person subjected to discrimination based on
36 wearing a protective hairstyle shall have a private cause of action ~~[and shall be exempt from the~~

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~~jurisdiction of the human rights commission and the provisions of RSA 354-A].~~ This section shall not apply to those employed by the department of corrections.

305 Repeal. The following are repealed:

I. RSA 354-A:2, II, relative to definition of commission.

II. RSA 354-A:3, relative to state commission for human rights.

III. RSA 354-A:4, relative to general powers and duties of the chair.

IV. RSA 354-A:5, relative to general powers and duties of the commission.

V. RSA 354-A:9, X and XI, relative to the definitions of conciliation and conciliation agreement.

VI. RSA 354-A:11, VII through IX regarding authority and responsibilities of the commission.

VII. RSA 354-A:18-a, relative to exemptions for protective hairstyles.

VIII. RSA 354-A:21-a, relative to choice of forum.

IX. RSA 354-A:22, relative to judicial review and enforcement.

X. RSA 354-A:24, relative to criminal penalty.

306 Board of Tax and Land Appeals; Dissolution.

I. Notwithstanding any general or special law to the contrary, effective on October 1, 2025, the Board of Tax and Land Appeals (BTLA), as created by RSA 71-B, shall be dissolved, without any further action, and the rights, powers, adjudicatory duties, and properties of the BTLA shall, on such date, be exercised, performed, owned, and held by the superior court system as established in RSA 491. All real estate, property rights, personal property, funds, moneys, revenues, receipts, contract rights, trust agreements, rights or interests of the BTLA in any trusts or trust property, or other intangible assets, equipment, or other ownership, possessory, or security interests or mortgages of any kind whatsoever, or any portion thereof, held by the BTLA, including funds previously appropriated by the state for the BTLA, shall be deemed for record notice and otherwise, as applicable, to belong to the superior court on the same basis and with the same interest as previously held by the BTLA, as applicable. Any and all obligations and liabilities of the BTLA shall become obligations and liabilities of the superior court. Any resolution taken, commitment made, or any other action made by the BTLA shall become resolutions of the superior court.

II. Notwithstanding any general or special law to the contrary, all duly existing contracts, leases, trusts, or obligations of the BTLA that are in force immediately before the effective date of the dissolution of the BTLA shall be deemed to be the obligations of the superior court. No existing right or remedy under this section shall be lost, impaired or affected by this act. The superior court shall have authority to exercise all rights and enjoy all interests conferred upon the BTLA by the contracts, leases, or obligations.

III. Notwithstanding any general or special law to the contrary, the transfer of the assets, liabilities, obligations and debt of the BTLA to the superior court under this act shall be effective

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1 upon dissolution of the BTLA and shall bind all persons with or without notice and without any
2 further action or documentation. Without derogating from the foregoing, the superior court may,
3 from time to time, execute and record and file for registration with any registry of deeds or the land
4 court or with the secretary of state, as appropriate, a certificate confirming the superior court's
5 ownership of any interest in real or personal property formerly held by the BTLA and transferred
6 pursuant to the provisions of this act and establishing and confirming the limits of property so
7 transferred.

8 IV. Notwithstanding any general or special law to the contrary, this act shall not limit or
9 impair the rights, remedies, or defenses of the state, the superior court, or the BTLA in or to any
10 action or proceeding. Actions and proceedings against or on behalf of the BTLA shall continue
11 unabated and, from and after the date of dissolution of the BTLA, may be completed against or by
12 the superior court.

13 V. Notwithstanding any general or special law to the contrary, all orders, rules and
14 regulations duly made and all approvals duly granted by the BTLA, which are in force immediately
15 before the effective date of this act, shall continue in force and the provisions thereof shall thereafter
16 be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the superior
17 court.

18 VI. Notwithstanding any general or special law to the contrary, all books, papers, records,
19 documents, equipment, buildings, facilities, cash and other property and assets, both personal and
20 real, including all such property and assets held in trust, which on October 1, 2025, are in the
21 custody of the BTLA shall be transferred to the superior court.

22 VII. Notwithstanding any general or special law to the contrary, the term the 'Board of Tax
23 and Land Appeals' or 'the BTLA', wherever either appears in a general or special law, except as they
24 appear in this act, shall mean the 'superior court'; provided, however, that such change of reference
25 shall not restrict or limit in any manner the exercise by the superior court of its rights, powers,
26 adjudicatory duties or purposes, or to its ownership and holding of properties and assets under any
27 provision of law applicable to the superior court, including without limitation the power of the
28 superior court. The superior court shall not assume any statutory duty of the BTLA that conflicts
29 with its role and functions as a court.

30 VIII.(a) Notwithstanding any general or special law to the contrary, this section shall
31 facilitate the orderly transfer of the proceedings, rules and regulations, property, and legal
32 obligations of the following functions of state government from the BTLA to the superior court.

33 (b) Notwithstanding any general or special law to the contrary, this section shall
34 facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and
35 legal obligations of the following functions of state government from the BTLA to the superior court.

36 (c) Notwithstanding any general or special law to the contrary, the employees of the
37 BTLA are hereby transferred to the superior court, without interruption of service, salary or

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1 compensation, or benefits, if any, notwithstanding any change in title or duties resulting from such
2 reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits.
3 Nothing in this section shall be construed to confer upon an employee a right not held immediately
4 before the date of said transfer, or to prohibit a reduction of salary grade, transfer, reassignment,
5 suspension, discharge, layoff or abolition of position not prohibited before such date.

6 (d) Notwithstanding any general or special law to the contrary, all orders, rules and
7 regulations duly made and all approvals duly granted by the BTLA, which are in force immediately
8 before the effective date of this act, shall continue in force and shall thereafter be enforced, until
9 superseded, revised, rescinded or canceled, in accordance with law, by the superior court.

10 (e) Notwithstanding any general or special law to the contrary, all books, papers,
11 records, documents, equipment, buildings, facilities, cash and other property, both personal and real,
12 including all such property held in trust, which immediately before the effective date of this act are
13 in the custody of the BTLA shall be transferred to the superior court.

14 (f) Notwithstanding any general or special law to the contrary, all duly existing
15 contracts, leases, assets and obligations of the BTLA shall continue in effect but shall be assumed by
16 the superior court. No existing right or remedy of any character shall be lost, impaired or affected by
17 this act.

18 (g) Notwithstanding any general or special law to the contrary, all transfers under this
19 section shall be completed by October 1, 2025.

20 307 Superior Court; Receipt of Functions, Powers, Duties.

21 I. Notwithstanding any general or special law to the contrary, all of the functions, powers,
22 duties, records, personnel, and property of the BTLA established are hereby transferred, as of
23 October 1, 2025, to the superior court.

24 II. Notwithstanding any general or special law to the contrary, existing rules, orders, and
25 approvals of the BTLA which are associated with any functions, powers, and duties, transferred to
26 the superior court, shall continue in effect and be enforced by the superior court until they expire or
27 are repealed or amended in accordance with applicable law.

28 III. Notwithstanding any general or special law to the contrary, the superior court may
29 require any person or entity subject to its jurisdiction as a result of the BTLA's dissolution to appear
30 before it in any proceeding, matter, or other similar appearance to continue matters that had been
31 before the BTLA.

32 308 Housing Appeals Board; Positions Eliminated. Amend RSA 94:1-a, I(b) to remove the
33 following positions from the subparagraph:

34 DD Housing appeals board member

35 DD Housing appeals board chair

36 309 Repeal. RSA 679, relative to the housing appeals board, is repealed.

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1 310 Applicability. Upon the passage of this act, the housing appeals board shall cease to accept
2 any new cases or cases eligible to be transferred before the board. The board shall cease and desist
3 any and all activities within 60 days following the passage of this act.

4 311 Repeal. The following are repealed:

5 I. RSA 21-I:108, II, relative to outreach and marketing of the Granite state paid family leave
6 plan.

7 II. RSA 282-B:6, II relative to outreach and marketing of the Granite state paid family leave
8 plan.

9 312 New Chapter; Office of State and Public Sector Labor Relations. Amend RSA by inserting
10 after chapter 273-D the following new chapter:

11 CHAPTER 273-E

12 OFFICE OF STATE AND PUBLIC SECTOR LABOR RELATIONS

13 273-E:1 Definitions.

14 In this chapter:

15 I. "Office" means the office of state and public sector labor relations created by RSA 273-E:2.

16 II. "Public employee labor relations board" means the board created by RSA 273-A:2.

17 III. "Personnel appeals board" means the board created by RSA 273-D:1, I.

18 IV. "Right to know ombudsman" means the position created by RSA 91-A:7-a.

19 273-E:2 The Office.

20 I. There is hereby created an office of state and public sector labor relations consisting of the
21 public employee labor relations board, the personnel appeals board, and the right to know
22 ombudsman. The purpose of the office is to consolidate the physical location of the public employee
23 labor relations board, the personnel appeals board, and the right to know ombudsman and to have
24 the public employee labor relations board provide administrative support to the personnel appeals
25 board and the right to know ombudsman.

26 II. The public employee labor relations board shall be responsible for the operations of the
27 office and shall provide the personnel appeals board and the right to know ombudsman with use of
28 its hearing room for the conduct of official business. The public employee labor relations board shall
29 also provide administrative support and workspace to the personnel appeals board and the right to
30 know ombudsman to the extent of their respective budgets, the public employee labor relation
31 board's available staff, and its other resources.

32 III. The public employee labor relations board, the right to know ombudsman, and the
33 personnel appeals board shall have separate budgets organized under category 2 "Administration of
34 Justice and Public PRTN" and department "Office of State and Public Sector Labor Relations."

35 IV. The public employee labor relations board shall continue to independently exercise the
36 jurisdiction conferred upon it pursuant to RSA 273-A. The New Hampshire administrative rules
37 Pub 100-300 shall remain in full force and effect.

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1 V. The personnel appeals board shall continue to independently exercise the jurisdiction
2 conferred upon it pursuant to RSA 273-D. The New Hampshire administrative rules Per 100-200
3 shall remain in full force and effect.

4 VI. The right to know ombudsman shall continue to independently exercise the jurisdiction
5 conferred upon it pursuant to RSA 91-A:7-a. The New Hampshire administrative rules Rko 100-300
6 shall remain in full force and effect.

7 313 Definitions; Public Employee Labor Relations; Per Diem. Amend RSA 273-A:2, VII to read
8 as follows:

9 VII. The members of the public employee labor relations board shall be paid [~~\$50~~] **\$250** a
10 day and their necessary expenses while actually engaged in the performance of their duties.

11 314 Office of Right-to-Know Ombudsman. Amend the introductory paragraph of RSA 91-A:7-a
12 to read as follows:

13 There is hereby established the office of the right-to-know ombudsman to be administratively
14 attached to the [~~department of state under RSA 21-G:10~~] **office of state and public sector labor**
15 **relations under RSA 273-E. The right-to-know ombudsman shall be paid a stipend of \$200**
16 **in each biweekly state payroll cycle for such work performed outside of scheduled sessions.**
17 **The right-to-know ombudsman shall also be paid \$400 for each day devoted to the work of**
18 **the office and shall be reimbursed for travel, professional development, and other business-**
19 **related expenses. The right-to-know ombudsman shall be paid \$50 per hour for time spent**
20 **on the drafting of final decisions.** The ombudsman shall be appointed by the governor and
21 council and shall have the following minimum qualifications:

22 315 Repeal. The following are repealed:

23 I. 2022, 250:5, relative to the right-to-know ombudsman.

24 II. 2022, 250:6, relative to repealing certain provisions relative to the right-to-know
25 ombudsman.

26 III. 2022, 250:7, relative to the effective date of the repeal of certain provisions of the right to
27 know ombudsman.

28 316 Effective Date. Section 315 of this act shall take effect June 30, 2025.

29 317 New Subparagraph; Termination of Tenancy; Expiration of Term. Amend RSA 540:2, II by
30 inserting after subparagraph (h) the following new subparagraph:

31 (i) For a lease or tenancy with an original term of 6 months or longer, or for a lease or
32 tenancy with a term of less than 6 months that has been renewed to a total period of 6 months or
33 longer, the lease or tenancy shall expire, provided that the landlord has given the tenant written
34 notice at least 60 days before the termination date of the lease term, stating that the lease will not
35 be renewed and the tenant must vacate the rental property at the end of the lease term.

36 318 Effective Date. Section 317 of this act shall take effect January 1, 2026.

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1 319 Public Health; Use of Cannabis for Therapeutic Purposes; Definitions; Alternative
2 Treatment Center. Amend RSA 126-X:1, I to read as follows:

3 I. "Alternative treatment center" means a ***domestic business corporation organized***
4 ***under RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a***
5 not-for-profit [entity] ***voluntary corporation organized under RSA 292 that is*** registered under
6 RSA 126-X:7 ***and*** that acquires, possesses, cultivates, manufactures, delivers, transfers, transports,
7 sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying
8 patients, designated caregivers, other alternative treatment centers, and visiting qualifying patients.

9 320 Public Health; Use of Cannabis for Therapeutic Purposes; Departmental Administration;
10 Alternative Treatment Centers; Application Form. Amend RSA 126-X:7, IV(a)(4) to read as follows:

11 (4) The name, address, and date of birth of each principal officer and board member
12 of the alternative treatment center. The board of directors ***or board of managers, as applicable,***
13 for the [nonprofit] ***alternative treatment center*** shall include at least one physician, advance
14 practice registered nurse, or pharmacist licensed to practice in New Hampshire and at least one
15 patient qualified to register as a qualifying patient. The majority of board members ***or managers,***
16 ***as applicable,*** shall be New Hampshire residents. A medical professional listed in this
17 subparagraph may be a member of the alternative treatment center board ***of directors or***
18 ***managers, as applicable,*** but shall not maintain an ownership interest in the center.

19 321 Public Health; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers;
20 Requirements. Amend RSA 126-X:8, I to read as follows:

21 I. An alternative treatment center [shall] ***may*** be operated on a ***for-profit or*** not-for-profit
22 basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-
23 exempt organization by the Internal Revenue Service.

24 322 New Paragraphs; Public Health; Use of Cannabis for Therapeutic Purposes; Alternative
25 Treatment Centers; Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the
26 following new paragraphs:

27 XIX. Except as otherwise provided in this chapter, an alternative treatment center shall be
28 subject to RSA 293-A if organized as a domestic business corporation, RSA 304-C if organized as a
29 domestic limited liability company, and RSA 292 if organized as a voluntary corporation.

30 XX. An alternative treatment center organized as a voluntary corporation under RSA 292
31 may convert from a voluntary corporation under RSA 292 to either a domestic business corporation
32 organized under RSA 293-A or a limited liability company organized under RSA 304-C in any of the
33 following ways:

34 (a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C,
35 as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign
36 corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote

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1 of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by
2 unanimous written consent.

3 (b) By adopting a plan of merger in accordance with RSA 293-A that includes a
4 provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3
5 years, for which the domestic business corporation shall be the surviving entity, provided that, such
6 merger shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative
7 treatment center at a meeting duly called for the purpose or by unanimous written consent.

8 (c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision
9 prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for
10 which the domestic limited liability company shall be the surviving entity, provided that, such
11 merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly
12 called for the purpose or by unanimous written consent.

13 XXI. Articles of entity conversion or articles of merger, as applicable, shall be signed and
14 submitted to the secretary of state pursuant to RSA 293-A or RSA 304-C, as applicable, and the
15 secretary of state shall approve all such filings submitted pursuant to this section.

16 XXII. The secretary of state shall certify such articles of entity conversion or articles of
17 merger and shall provide them to the department. Upon receipt, the department shall update the
18 existing licenses held by the converted or merged alternative treatment center.

19 XXIII. For the purposes of converting or merging an alternative treatment center pursuant
20 to this section, notwithstanding any provision in the articles of agreement or alternative treatment
21 center license applications to the contrary, the members of an alternative treatment center's board of
22 directors may determine that a plan of entity conversion or merger is consistent with its corporate
23 charter, and such voluntary corporation may surrender its articles of agreement in connection with
24 the plan of entity conversion or merger.

25 323 Voluntary Corporations and Associations; Powers of Corporations; Change of Name;
26 Amending Articles; Conversion and Merger. Amend RSA 292:7 to read as follows:

27 292:7 Change of Name; Amending Articles.

28 **I.** Any corporation now or hereafter organized or registered in accordance with the
29 provisions of this chapter, and any existing corporation which may have been so organized or
30 registered, may change its name, increase or decrease its capital stock or membership certificates,
31 merge with or acquire any other corporation formed pursuant to this chapter, or amend its articles of
32 agreement, by a majority vote of such corporation's board of directors or trustees, at a meeting duly
33 called for that purpose, and by recording a certified copy of such vote in the office of the secretary of
34 state and in the office of the clerk of the town or city in this state which is its principal place of
35 business. In the case of a foreign nonprofit corporation registered in New Hampshire, a copy of the
36 amendment or plan of merger, certified by the proper officer of the state of incorporation, shall be
37 filed with the secretary of state, together with the fee provided in RSA 292:5. The surviving

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corporation in a merger shall continue to have all the authority and powers vested in the merging corporations, including any powers previously conferred upon them by the legislature.

II. An alternative treatment center registered pursuant to RSA 126-X and organized under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic corporation organized under RSA 293-A or a limited liability company organized under to RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C.

324 New Subparagraph; New Hampshire Business Corporation Act; Domestication and Conversion; Entity Conversion Authorized. Amend RSA 293-A:9.50 by inserting after paragraph (f) the following new subparagraph:

(g) Alternative treatment centers registered pursuant to RSA 126-X and organized pursuant to RSA 292 may become a domestic corporation pursuant to a plan of conversion in accordance with RSA 126-X:8, XX and this subdivision. The alternative treatment center shall be deemed to be a domestic unincorporated entity for purposes of applying RSA 293-A:9.50 through RSA 293-A:9.56, except that approval of the conversion shall be as outlined in RSA 126-X:8, XX.

325 Limited Liability Companies; Statutory Conversions; Statutory Conversions of Other Business Entities to Limited Liability Companies. Amend RSA 304-C:149, I to read as follows:

I. Any other business entity, ***including alternative treatment centers pursuant to RSA 126-X:8, XX***, may make a statutory conversion of its business organization form to the limited liability company business organization form under this act by complying with the requirements of this section and with applicable law governing the other business entity. ***Approval of a conversion of an alternative treatment center pursuant to this paragraph shall be as outlined in RSA 126-X:8, XX.***

326 New Paragraph; Limited Liability Companies; Statutory Conversions; Statutory Conversions of Other Business Entities to Limited Liability Companies; Approvals of Statutory Conversion. Amend RSA 304-C:149 by inserting after paragraph VIII the following new paragraph:

IX. In the case of the conversion of an alternative treatment center registered under RSA 126-X and organized pursuant to RSA 292, such conversion shall be approved by the board of directors in accordance with RSA 126-X:8, XX.

327 Town Property; Authority of Select Board. Amend RSA 41:11-a to read as follows:

41:11-a Town Property.

I. The ~~[selectmen]~~ ***select board*** shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

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1 II. The authority under paragraph I shall include the power to rent or lease such property
2 during periods not needed for public use, provided, however, that any rental or lease agreement for a
3 period of more than one year shall not be valid unless ratified by vote of the town.

4 III. Notwithstanding paragraph II, the legislative body may vote to ~~[authorize the board of~~
5 ~~selectmen]~~ ***grant the select board the authority*** to rent or lease any municipal property for a term
6 of up to 5 years ~~[without further vote or ratification of the town]~~. Once adopted, this authority shall
7 remain in effect until specifically rescinded by the legislative body at any duly warned meeting,
8 ~~[provided that the term of any lease entered into prior to the rescission shall remain in effect]~~
9 ***however, such rescission shall not terminate any existing leases.***

10 IV. ***The governing body may choose to send to the planning board a list of real***
11 ***property owned by the town and managed by the select board that is in their judgment***
12 ***appropriate for development for residential use. No property acquired under tax deed***
13 ***pursuant to RSA 80 shall be added to this list.***

14 328 New Paragraph; Duties of the Planning Board. Amend RSA 674:1 by inserting after
15 paragraph VI the following new paragraph:

16 VII. The planning board may vote to designate any property recommended to it as
17 appropriate for development as a residential use by the select board pursuant to RSA 41:11-a, IV, as
18 appropriate for development for residential use and forward a description of said property to the
19 office of planning and development pursuant to RSA 12-O:55, VIII.

20 329 New Paragraph; Data and Information Services; Descriptions of Property to be Compiled.
21 Amend RSA 12-O:55 by inserting after paragraph VII the following new paragraph:

22 VIII. Pursuant to RSA 674:1, VII, compile descriptions of municipally and county-owned
23 property determined to be appropriate for residential development by the select board as a
24 residential use into a publicly available list of properties available for grant or loan funding
25 pursuant to RSA 12-O:72-a.

26 330 New Section; Partners in Housing Program. Amend RSA 12-O by inserting after section 72
27 the following new section:

28 12-O:72-a Partners in Housing Program. The department shall establish a program, known as
29 the partners in housing program, for the purpose of building workforce housing. Properties
30 identified on the list created pursuant to RSA 674:1, VII shall be given priority for program funding.
31 Available funding may be made by the department to housing developers to whom a municipality or
32 county, pursuant to RSA 28:8-c, transfers ownership of the municipally or county-owned property for
33 the purpose of residential development where at least 20 percent of the housing units to be
34 developed will be affordable for a period of at least 20 years. The department shall adopt rules
35 pursuant to RSA 541-A to implement the provisions of this section no later than December 1, 2026.

36 331 New Paragraphs; Power to Review Site Plans. Amend RSA 674:43 by inserting after
37 paragraph V the following new paragraphs:

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VI. If the planning board has submitted a property description to the office of planning and development, then the local governing body may further vote to authorize that properties in the municipality on the list generated pursuant to RSA 12-O:55, VIII qualify for expedited review and approval pursuant to RSA 676:4, III.

VII. If the local legislative body of a municipality has by ordinance or resolution authorized minor site plan review pursuant to RSA 674:43, III, then all solely residential development projects proposing to construct workforce housing, as defined in RSA 674:58, IV, that are included on the list generated pursuant to RSA 12-O:55, VIII, may also qualify for expedited review and approval pursuant to RSA 676:4, III.

VIII. The local legislative body of a municipality may by ordinance or resolution adopt pattern zoning regulations to accelerate the construction of infill housing in neighborhoods. To meet the definition of infill housing, projects must be new residential development constructed on vacant lots interspersed among lots with existing, non-vacant development. Pattern zoning provides permit-ready designs with appropriate zoning and regulations to speed the process of building high quality infill housing that is compatible with existing homes in the neighborhood.

332 Housing Champion Designation and Grant Program Fund; Compilation of Property. Amend RSA 12-O:74 to read as follows:

12-O:74 New Hampshire Housing Champion Designation and Grant Program Fund. There is hereby established in the state treasury the New Hampshire housing champion designation and grant program fund, for the purpose of funding the grant programs established in RSA 12-O:72 and [] RSA 12-O:73, ***and the compilation of municipally and county-owned property determined to be appropriate for residential development pursuant to RSA 12-O:72-a and 674:1, VII.*** The fund shall be non-lapsing and shall be continually appropriated to the department.

333 Effective Date. Sections 327 through 332 of this act shall take effect June 30, 2025.

334 Adequate Representation for Indigent Defendants in Criminal Cases; Determination of Financial Ability. Amend RSA 604-A:2-c to read as follows:

604-A:2-c Determination of Financial Ability. The determination of a defendant's financial ability to obtain counsel shall be made by comparing the defendant's assets and incomes with the minimum cost of obtaining qualified private counsel. The defendant's assets shall include all real and personal property owned in any manner by the defendant, excluding only those assets which are exempt from attachment and execution under RSA 511:2. The defendant's income shall include all income, whether earned or not, from any source, unless exempt from attachment under any state or federal law, and shall be reduced only by the amount of expenses which are reasonably necessary for the maintenance of the defendant and his dependents. In determining a defendant's financial ability to obtain counsel, the rules adopted by the commissioner under RSA 604-A:10, IV, shall contain a method for considering the defendant's ability to borrow some or all of the necessary funds. [The

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1 ~~rules shall also consider the possibility of the defendant paying his counsel fees in periodic~~
2 ~~installments.]~~

3 335 Adequate Representation for Indigent Defendants in Criminal Cases; Appointment of
4 Counsel for Nonpayment or Nonperformance; Cross-Reference Deleted. Amend RSA 604-A:2-f, IV to
5 read as follows:

6 IV. When the court appoints counsel to represent a defendant in a proceeding under this
7 section, the court shall grant the defendant relief from the obligation to repay the state for appointed
8 counsel fees ~~[under RSA 604-A:9, I(b),]~~ if the court determines that the defendant is financially
9 unable to repay.

10 336 Adequate Representation for Indigent Defendants in Criminal Cases; Commissioner of
11 Administrative Services. Amend RSA 604-A:10, IV to read as follows:

12 IV. The commissioner of administrative services shall, with the approval of the attorney
13 general, adopt rules pursuant to RSA 541-A, governing determinations of eligibility for payment of
14 indigent defense expenditures~~[-, determinations of repayment schedules, financial and credit~~
15 ~~investigations,]~~ and any other matters the commissioner deems necessary or advisable for the
16 performance of duties under this chapter.

17 337 Directive; Department of Administrative Services. Upon the effective date of this act, the
18 director of the department of administrative services shall immediately cease all active collection
19 efforts related to any money owed under RSA 604-A:9. The director shall wind down all aspects of
20 the program within a reasonable timeframe, and once the program is ended, the director shall have
21 all records related to payment of money owed under RSA 604-A:9 destroyed.

22 338 Repeal. The following are repealed:

23 I. RSA 604-A:2-a, relative to additional inquiry regarding appointed counsel for indigent
24 criminal defendants.

25 II. RSA 604-A:2-d, relative to partial liability regarding appointed counsel for indigent
26 criminal defendants.

27 III. RSA 604-A:9, relative to repayment regarding appointed counsel for indigent criminal
28 defendants.

29 339 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a, I-II to read as
30 follows:

31 I. ~~[For the biennium]~~ Beginning July 1, ~~[2023]~~ **2026**, the annual cost of providing the
32 opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in
33 paragraph II. The department shall adjust the rates specified in this paragraph in accordance with
34 RSA 198:40-d.

35 II.(a) A cost of ~~[\$4,100]~~ **\$4,351** per pupil in the ADMR, plus differentiated aid as follows:

36 (b) An additional ~~[\$2,300]~~ **\$2,441** for each pupil in the ADMR who is eligible for a free or
37 reduced price meal anytime during the determination year; plus

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1 (c) An additional [~~\$800~~] **\$849** for each pupil in the ADMR who is an English language
2 learner anytime during the determination year; plus

3 (d) An additional [~~\$2,100~~] **\$3,140** for each pupil in the ADMR who is receiving special
4 education services anytime during the determination year.

5 340 Annual Adjustment. Amend RSA 198:40-d to read as follows:

6 198:40-d Annual Adjustment.

7 Beginning July 1, [~~2024~~] **2027**, and every year thereafter, the department of education shall
8 adjust the following with an increase of 2 percent annually, ***rounded up to the nearest whole***
9 ***dollar***:

10 I. Per pupil costs in RSA 198:40-a, II; ***and***

11 II. [~~Extraordinary need grant "grant floor," "grant ceiling," "factor," and "max grant" as~~
12 ~~defined in RSA 198:40-f, II, (a)-(d); and~~

13 ~~III.] Chartered public school additional grants under RSA 194-B:11, I(b)(1)(A) and (B).~~

14 341 Extraordinary Need Grants. RSA 198:40-f is repealed and reenacted to read as follows:

15 198:40-f Extraordinary Need Grants.

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

19 (a) A municipality with an equalized valuation per pupil eligible to receive a free or
20 reduced-priced meal of \$1,700,000 or less shall receive \$11,730 per pupil eligible to receive a free or
21 reduced-price meal in the municipality's ADMR.

22 (b) A municipality with an equalized valuation per pupil eligible to receive a free or
23 reduced-price meal between \$1,700,001 and \$6,999,999 shall receive a grant equal to \$0.00221321
24 for each dollar of difference between its equalized valuation per pupil eligible to receive a free or
25 reduced-price meal and \$6,999,999, for each pupil eligible to receive a free or reduced-price meal in
26 the municipality's ADMR.

27 (c) A municipality with an equalized valuation per pupil eligible to receive a free or
28 reduced-price meal of \$7,000,000 or more shall not receive an extraordinary need grant.

29 II. In this section:

30 (a) "Grant floor" means \$1,700,000 in equalized valuation per free or reduced-price meal
31 pupil.

32 (b) "Grant ceiling" means \$7,000,000 in equalized valuation per free or reduced-price
33 meal pupil.

34 (c) "Factor" means \$0.00221321 for each dollar difference between equalized valuation
35 per free or reduced-price meal pupil.

36 (d) "Maximum grant" means \$11,730 per free or reduced-price meal pupil.

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1 III. The extraordinary needs grants shall be calculated using the formula described in
2 paragraph I, however, beginning July 1, 2027, and every year thereafter, the grant floor, grant
3 ceiling, and maximum grant shall be increased by 2 percent. The factor shall be readjusted by
4 taking the newly adjusted maximum grant and dividing by the difference between the grant floor
5 and grant ceiling.

6 342 New Section; Fiscal Capacity Disparity Aid. Amend RSA 198 by inserting after section 40-f
7 the following new section:

8 198:40-g Fiscal Capacity Disparity Aid.

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

12 (a) A municipality with an equalized valuation per pupil of \$1,000,000 or less shall
13 receive \$1,250 per pupil eligible in the municipality's ADMR.

14 (b) A municipality with an equalized valuation per pupil between \$1,000,001 and
15 \$1,599,999 shall receive a grant equal to \$0.00208333 for each dollar of difference between its
16 equalized valuation per pupil and \$1,599,999, for each pupil the municipality's ADMR.

17 (c) A municipality with an equalized valuation per pupil of \$1,600,000 or more shall not
18 receive a fiscal capacity disparity aid grant.

19 II. In this section:

20 (a) "Grant floor" means \$1,000,000 in equalized valuation per pupil.

21 (b) "Grant ceiling" means \$1,600,000 in equalized valuation per pupil.

22 (c) "Factor" means \$0.00208333 for each dollar difference between equalized valuation
23 per pupil.

24 (d) "Maximum grant" means \$1,250 per pupil.

25 III. The fiscal capacity disparity aid grants shall be calculated using the formula described
26 in paragraph I, however, beginning July 1, 2027, and every year thereafter, the grant floor, grant
27 ceiling, and maximum grant shall be increased by 2 percent. The factor shall be readjusted by
28 taking the newly adjusted maximum grant and dividing by the difference between the grant floor
29 and grant ceiling.

30 343 Determination of Education Grants. Amend RSA 198:41, I(b)-(c) to read as follows:

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

34 (c) Add the municipality's extraordinary need grant pursuant to RSA 198:40-f;[-]

35 ***(d) Add the municipality's fiscal capacity disparity aid grant pursuant to RSA***
36 ***198:40-g; and***

(e) For municipalities with a total ADMR of 5,000 or more, subtract the amount necessary to limit the total additional targeted aid to \$3,750 per pupil in the municipality's ADMR. For the purpose of this paragraph, additional targeted aid shall be the sum of a municipality's extraordinary needs grant and fiscal capacity disparity aid grant.

344 Effective Date. Sections 339 through 343 of this act shall take effect July 1, 2026.

345 Instruction in National and State History, Government, and Civics. Amend RSA 189:11, II to read as follows:

II.(a) As a component of instruction under this section, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the required high school course in history and government of the United States and New Hampshire.

(b) To be eligible for a graduation certificate, a student in a public, chartered public, non-public school, or a privately incorporated school that serves as a public school in the state, shall attain a locally sanctioned passing grade on the competency assessment, and ~~[a grade of]~~ **shall score** 70 percent or better on the 128 question civics (history and government) naturalization examination developed by the 2020 United States Citizen and Immigration Services. **Public and chartered public schools shall use the assessment provided by the department of education.**

(c) ~~[Schools are required to]~~ **The department of education shall** provide accommodations and may modify the naturalization examination for a child with a disability in accordance with the child's individualized education program.

(d) **Annually, the department shall publish a report of the state and district results of the civics assessment.**

(e) ~~[By June 30 of each year, each school district, chartered public or]~~ Non-public **schools** ~~[school, or a privately incorporated school that serves as a public school in the state,]~~ shall submit the results of the United States Citizenship and Immigration Services (USCIS) test to the department of education.

346 Appropriations; Department of Education; Computer Science Professional Development. Amend 2023, 79:81, I-III to read as follows:

I. There is hereby appropriated to the department of education the sum of \$500,000 for the fiscal year ending June 30, 2023 for the purpose of encouraging New Hampshire certified educators to pursue eligible industry recognized credentials in the field of computer science. This appropriation shall not lapse **until June 30, 2025**. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. There is hereby appropriated to the department of education the sum of \$2,741,871 for the fiscal year ending June 30, 2023 for the purpose of encouraging individuals holding an eligible

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1 industry recognized credentials to teach computer science or related courses of study in New
2 Hampshire approved education programs. This appropriation shall not lapse *until June 30, 2025*.
3 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
4 otherwise appropriated.

5 III. There is hereby appropriated to the department of education the sum of \$455,000 for the
6 fiscal year ending June 30, 2023 for the purpose of implementing the experiential robotics platform
7 in all New Hampshire classrooms for grades 6-12 including, but not limited to the purchase of
8 robotics kits from First New Hampshire Robotics, Experiential Robotics Platform, career and
9 technical education of community college fabrication sites, and professional development delivery
10 and support. The sum appropriated shall not lapse *until June 30, 2025*. The governor is
11 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
12 appropriated.

13 347 Effective Date. Section 346 of this act shall take effect June 30, 2025.

14 348 Motor Vehicles; Administration of Motor Vehicle Laws; Copies of Certificates and Motor
15 Vehicle Records. Amend RSA 260:15, II to read as follows:

16 II. The department may issue a copy of any motor vehicle record upon the request of an
17 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require
18 payment by the insurance company or authorized agent of a fee of [~~\$17~~] **\$20**, which shall be
19 deposited in the fire standards and training and emergency medical services fund established in
20 RSA 21-P:12-d.

21 349 Motor Vehicles; Administration of Motor Vehicle Laws; Identification Cards. Amend RSA
22 260:21, V(a) to read as follows:

23 V.(a) The fee for such card shall be [~~\$10~~] **\$20** and is not refundable, except that no fee shall
24 be charged to any person who, for reason of health or age, turns in his or her driver's license before
25 the expiration date of such license. For purposes of this section, reasons of age shall be deemed to
26 apply only to those persons over age 65. A person who requires a photo identification card only for
27 voter identification purposes may obtain a voucher in the form provided for in subparagraph (b) from
28 his or her town or city clerk or the secretary of state exempting the voter from the identification card
29 fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be
30 paid by the secretary of state from the election fund established under RSA 5:6-d. An identification
31 card paid for by the secretary of state shall be valid for voter identification purposes only, and the
32 card, which shall be known as a voter identification card, shall be marked "for voter identification
33 only."

34 350 Motor Vehicles; Certificates of Title and Registration of Vehicles; Fees. Amend RSA 261:20,
35 I(a)-(i) to read as follows:

36 (a) For filing an application for a first certificate of title, with or without a lienholder
37 named, [~~\$25~~] **\$35**;

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- 1 (b) For a certificate of title after a transfer, with or without a lienholder named, [~~\$25~~]
2 **\$35**;
- 3 (c) For a duplicate certificate of title, [~~\$25~~] **\$35**;
- 4 (d) For an ordinary certificate of title issued upon surrender of a distinctive certificate,
5 [~~\$20~~] **\$40**;
- 6 (e) For filing a notice of security interest, \$20;
- 7 (f) For a certificate of search of the records of the division, for each name or
8 identification number searched against, \$20;
- 9 (g) For filing an assignment of security interest, \$2;
- 10 (h) For issuing a distinctive New Hampshire number in place of a vehicle identification
11 number, [~~\$30~~] **\$40**;
- 12 (i) For issuing a salvage vehicle decal pursuant to RSA 261:22, IV, [~~\$50~~] **\$60**.

13 351 Motor Vehicles; Certificates of Title and Registration of Vehicles; Twenty-Day Registration.
14 Amend RSA 261:57, I to read as follows:

15 I. Any resident of this state who intends to purchase a vehicle in another state or from
16 another person or who is unable to register a vehicle because of limited hours of operation of the
17 town clerk in the town where the person resides may apply to the division or its substation or
18 authorized agent nearest his or her residence for a registration to drive said vehicle on the ways of
19 the state in an unregistered condition. Said resident shall appear in person at the division or
20 substation to obtain such registration and shall sign under penalty of perjury a statement that the
21 vehicle meets all New Hampshire inspection requirements, and in the case of a person seeking an
22 extension of his or her registration, that he or she was unable to register the vehicle because of the
23 limited hours of the town clerk, before said registration may be issued. Said registration shall be
24 valid for 20 days from the time it is issued. Application blanks and permits in the form prescribed
25 by the director shall be designed, printed, and supplied to the substations by the division. The fee
26 for the issuance of a registration shall be [~~\$10~~] **\$20**. It shall be unlawful for any person to drive a
27 vehicle on the ways of the state under a registration issued pursuant to this section unless said
28 person has in his or her possession a valid bill of sale for the vehicle he or she is driving, or in the
29 case of a person whose registration is extended, a copy of the form indicating he or she was unable to
30 register because of the limited hours of the town clerk. No person shall make application for a 20-
31 day registration on the same vehicle more than once within a 12-month period. Only 3 20-day
32 registrations shall be issued on the same vehicle within a 12-month period.

33 352 Motor Vehicles; Certificates of Title and Registration of Vehicles; Fees to be Collected.
34 Amend RSA 261:141, III to read as follows:

35 III. Prorated fees:

- 36 (a) For agricultural vehicles-~~[\$3.60]~~ **\$12**.
- 37 (b) For each agricultural tractor-~~[\$1.80]~~ **\$12**.

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(c) For air compressors-~~[\$6]~~ **\$11**.

(d) For cement mixers-~~[\$6]~~ **\$11**.

(e) For saw rigs or log splitters-~~[\$6]~~ **\$11**.

(If the equipment cited in RSA 261:141, III(c)-(e), is towed exclusively within the limits of a single city or town, the state registration fee shall not be collected.)

(f) For antique motorcycles-~~[\$2.40]~~ **\$12**.

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs. [~~\$31.20 (\$2.60 per month)~~] **\$42 (\$3.50 per month)**

3001-5000 lbs. [~~\$43.20 (\$3.60 per month)~~] **\$48 (\$4 per month)**

5001-8000 lbs. [~~\$55.20 (\$4.60 per month)~~] **\$66 (\$5.50 per month)**

8001-73,280 lbs. [~~\$.96]~~ **\$1.44** per hundred lbs. gross weight.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds [~~\$.96]~~ **\$1.44** per 100 pounds gross weight, over 73,280 pounds-~~[\$1.44]~~ **\$2.40** shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

(i) Each additional semi-trailer used in conjunction with such truck-tractor-~~[\$24.00]~~ **\$60**.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

0-1000 lbs. [~~\$ 3.00]~~ **\$14**

1001-1500 lbs. [~~6.00]~~ **\$16**

1501-3000 lbs. [~~12.00]~~ **\$19**

3001-5000 lbs. [~~24.00]~~ **\$36**

5001-8000 lbs. [~~36.00]~~ **\$52**

8001-up [~~.60]~~ **\$0.95** per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be [~~\$.60]~~ **\$0.95** per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds-~~[\$24]~~ **\$36**, for any additional weight above 16,000 pounds-~~[\$.74]~~ **\$1.44** per hundred weight.

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(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes-~~[\$24]~~ **\$36**. (In the event that a farm truck registered under the ~~[\$24]~~ **\$36** fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle-~~[\$15]~~ **\$30**.

(p) For each moped-~~[\$3]~~ **\$14**.

(q) For each motor vehicle used exclusively as a school bus or owned by a religious organization or a non-profit organization used exclusively as a bus for the transportation of its members in connection with functions of the organization for which no fee is charged-~~\$24~~. (These provisions shall not apply to municipally owned vehicles nor to vehicles of public utilities or common carriers.)

(r) For antique motor vehicles other than antique motorcycles-~~[\$6]~~ **\$16**.

(s) For each road oiler or bituminous distributor-~~\$72~~.

(t) For plates issued to motor vehicle repairer-~~\$24~~ for the first set of plates, ~~[\$9]~~ **\$18** for each additional set of plates.

(u)(1) For each vehicle, owned by or under control of a manufacturer, wholesaler, or dealer-~~[\$200]~~ **\$400** for the first plate.

(2) For every additional plate-~~[\$12]~~ **\$24**.

(v) For motor vehicles owned by or under control of automotive recycling dealer licensee-~~[\$30]~~ **\$60** up to first 7,000 lbs., over 7,000 lbs.-~~[\$.74]~~ **\$1.44** per 100 lbs. gross weight.

(w)(1) For motorcycles owned or under the control of a manufacturer or dealer in motorcycles-~~[\$12]~~ **\$24** for the first plate.

(2) For every additional plate-~~[\$3]~~ **\$6**.

(x)(1) For mopeds owned or under the control of a manufacturer or dealer in mopeds-~~[\$12]~~ **\$24** for the first plate.

(2) For every additional plate-~~[\$3]~~ **\$6**.

(y) For each transporter-~~[\$36]~~ **\$72**. Additional sets of number plates at ~~[\$18]~~ **\$36** per set.

(z) For each utility dealer registration-~~[\$36]~~ **\$72**. Additional number plates at ~~[\$9]~~ **\$18** per plate.

(aa) For ski area vehicles-\$6.

(bb) For construction equipment as defined by RSA 259:42-the exclusive fee charged by the state shall be ~~[\$25]~~ **\$40**.

(cc) For each vanity number plate set-~~[\$40]~~ **\$60**.

(dd) For agricultural/industrial utility vehicles the registration fee shall be 1/3 of the registration fee determined by the corresponding weight chart specified in subparagraph (g).

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1 353 Motor Vehicles; Certificates of Title and Registration of Vehicles; Fees to be Collected.
2 Amend RSA 261:141, VII(f) to read as follows:

3 (f) For the replacement of lost or illegible validation sticker-~~[\$1]~~ **\$5**.

4 354 Motor Vehicles; Certificates of Title and Registration of Vehicles; Fees to be Collected.
5 Amend RSA 261:141, IX to read as follows:

6 IX. For every certified copy of and duplicate of a certificate of registration-~~[\$15]~~ **\$20**.

7 355 Motor Vehicles; Drivers' Licenses; Driver's License Fees. Amend RSA 263:42, II-IV-a to
8 read as follows:

9 II. For every certified copy of a registration, license, or driving record, ~~[\$15]~~ **\$20**, except that
10 the commissioner shall waive the fee for local, state, and federal law enforcement and criminal
11 justice agencies requesting such information for investigative purposes and may, for good cause,
12 waive the fee in cases involving other government agencies or the public defender if the
13 commissioner determines that such a waiver is in the public interest.

14 III. No fee shall be charged for a driver's license issued to a disabled veteran who because of
15 being an amputee or a paraplegic has received a motor vehicle from the United States government.
16 The provisions of this paragraph shall apply to a veteran who, because of a disability incurred in, or
17 aggravated by such service, and upon satisfactory proof that the veteran is evaluated by the United
18 States Department of Veterans Affairs to be permanently and totally disabled from such service-
19 connected disability.

20 IV. A duplicate copy of a photographic license or a new license with a different classification
21 because of a commercial driver license disqualification may be issued for a fee of ~~[\$10]~~ **\$20**. For the
22 purpose of this chapter, the term "duplicate copy" shall mean an additional license containing an
23 indicator that the license is a duplicate. A new photograph need not be taken.

24 IV-a. For a new driver's license because of a change of address, ~~[\$3]~~ **\$10**.

25 356 Vanity Number Plates; Fees. Amend RSA 261:89 to read as follows:

26 261:89 Vanity Number Plates. The director is hereby authorized to design and to issue, under
27 such rules as the director deems appropriate, vanity number plates to be used on motor vehicles in
28 lieu of other number plates. Such number plates shall be of such design and shall bear such letters
29 or letters and numbers as the director shall prescribe, but there shall be no duplication of
30 identification. Such number plates or a changeable designation of the effective period thereof, as the
31 director shall determine, shall be issued only upon application therefor and upon payment of a
32 special vanity plate service fee of ~~[\$40]~~ **\$60**, said special fee to be in addition to the regular motor
33 vehicle registration fee and any other number plate manufacturing fee otherwise required by law for
34 the particular vehicle. Plates shall be renewed on an annual basis for ~~[\$40]~~ **\$60** per set. All special
35 fees collected under this section shall be paid to the state treasurer and distributed as provided by
36 RSA 263:52. Upon rejection of an application for vanity number plates, the director shall refund or
37 credit the collected special vanity plate service fee. The director shall recall any vanity number

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plates that have been issued which do not conform to applicable law and rules, regardless of when the plates were issued. Any person whose application for vanity number plates has been rejected or whose vanity number plates have been recalled shall be issued a number plate of the same classification as the plate that had been requested or recalled. The prorated by month portion of the special vanity plate service fee shall be refunded or credited to the person whose vanity number plates have been recalled.

357 Vanity Plates; Fee Collection. Amend RSA 261:141, VII(d) to read as follows:

(d) For vanity plate service fee-~~[\$40]~~ **\$60**.

358 Driver Training Fund; Application of Vanity Plate Fee. Amend RSA 263:52, II to read as follows:

II. The ~~[\$40]~~ **\$60** vanity plate service fee and the fee for renewal of vanity number plates shall automatically be credited to the driver training fund until all fees in such fund equal the amount of money estimated by the general court as available for expenditure for course materials, licensing of schools, and certification services in connection with driver training from that fund for that fiscal year. Once the driver training course materials, licensing of schools, and certification services have been funded in accordance with the legislative estimates for the current fiscal year, the next 1.5 million dollars shall be transferred to the department of safety as restricted revenue, thereafter the balance of all such fees shall be transferred to the general fund and shall be available as unrestricted revenue.

359 Effective Date. Sections 348 through 358 of this act shall take effect January 1, 2026.

360 Nonresident Who Establishes a Residency in the State. Amend RSA 263:35 to read as follows:

263:35 Nonresident Who Establishes a Residency in the State.

I.(a) Notwithstanding the provisions of RSA 261:44 or any other law to the contrary, any nonresident driver of a motor vehicle who holds a valid driver's license in another jurisdiction, upon the establishment of a bona fide residency in this state, shall have a maximum of 60 days from the date his or her residency was established to obtain a driver's license issued by the state of New Hampshire; provided that H-2A temporary agricultural workers satisfying the requirements under RSA 263:35-a shall have a maximum of 300 days.

(b) *An individual subject to subparagraph (a), who ceases to be a resident of this state within 60 days of establishing a bona fide residency and has not yet obtained a driver's license issued by the state of New Hampshire, shall notify the director of their departure from the state.*

(c) *A resident subject to subparagraph (a), whose out-of-state driver's license expires or is relinquished after becoming a resident of this state shall notify the director.*

II. *The director shall notify any individual in violation of paragraph I who is more than 30 days past a deadline provided in this section. The notification shall be sent to the*

1 *in-state address and out-of-state address, if available. The director shall begin sending*
2 *such notifications within one year of the effective date of this section.*

3 *III. The director, for good cause shown, may grant an extension of a deadline in*
4 *this section to any individual.*

5 361 New Subparagraph; Centralized Voter Registration Database; Information Sharing. Amend
6 RSA 654:45, IV(b) to read as follows:

7 (b) Voter database record data shall be verified by matching the records with those of
8 the department of safety and the federal Social Security Administration as are required by law, and
9 with the records of the state agency or division charged with maintaining vital records. For this
10 purpose, the voter registration record database may be linked to the state agency or division charged
11 with maintaining vital records and the department of safety, provided that no linked agency or
12 division may save or retain voter information or use it for purposes other than verifying the accuracy
13 of the information contained in the voter database. The link authorized by this subparagraph shall
14 not allow the department of state or election officials direct access to the motor vehicle registration
15 or driver's license records maintained by the division of motor vehicles; *provided that such link*
16 *shall authorize the department of state to identify voter records with out-of-state driver's*
17 *license information where the record cannot be matched to an in-state driver's license*
18 *obtained within the deadline provided in RSA 263:35. The secretary of state shall*
19 *authorize the release of information from the voter database necessary for the department*
20 *of safety to notify an individual pursuant to RSA 263:35, II.* The commissioner of safety may
21 authorize the release of information from motor vehicle registration and driver's license records to
22 the extent that the information is necessary to department of state and department of safety
23 cooperation in a joint notification to individuals of apparent discrepancies in their records and to the
24 extent that the information is necessary to resolve those discrepancies. The commissioner of safety
25 and the secretary of state are authorized to enter into an agreement that establishes the services to
26 be provided by the department of safety and the cost for those services. The department of safety
27 shall not be required to provide any services under this subparagraph unless an agreement is in
28 place and there are sufficient funds in the election fund to pay the cost for the services. The system
29 shall facilitate the identification and correction of voter registration records whenever a registered
30 voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire
31 constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the
32 address provided by the same individual to the department of safety.

33 362 Motor Vehicle Air Pollution Abatement Fund; Definitions. Amend RSA 125-S:2 to read as
34 follows:

35 125-S:2 Definitions. In this chapter:

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

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1 II. ~~["Motor vehicle inspection fee" means the fee collected by the department of safety~~
2 ~~pursuant to RSA 266:2.~~

3 ~~III.]~~ "Mobile source" means, for the purposes of this chapter, any motor vehicle registered for
4 on-road use by the department of safety, division of motor vehicles.

5 363 Inspection; Power Unit and Trailer. Amend RSA 266:18-d, III to read as follows:

6 III. Vehicles so certified include the power unit and trailer. The vehicle shall be certified
7 upon submission to the department of documentation satisfactory to the department from the
8 manufacturer attesting that the vehicle is capable of safely carrying the additional weight. Such
9 attestation shall be required upon the first application for certification and a new attestation shall
10 be required at any time when the configuration of the vehicle relative to power unit, axles, springs,
11 or other safety items that could affect the vehicle's ability to qualify for an excess weight certification
12 is altered. Such attestation shall designate the maximum safe gross weight for the vehicles as
13 determined by the components and the summation of the manufacturer's axle design limits for each
14 axle of the vehicle ~~[The power unit and trailer shall be required at all times to have a current~~
15 ~~inspection sticker or decal from an official inspection station].~~

16 364 Inspection; Rulemaking. Amend RSA 266:18-d, VI to read as follows:

17 VI. The commissioner or his designee may revoke or suspend any additional
18 registration granted pursuant to paragraph V of any vehicle or vehicles which are being driven in
19 violation of the limits established by RSA 266:18-b or any other provision of law as evidenced by a
20 record of such violations. The commissioner shall adopt rules pursuant to RSA 541-A pertaining to
21 the procedures for such revocation or suspension and the application~~[r]~~ and certification~~[r]~~ ~~and~~
22 ~~inspection]~~ process for additional truck weights, as well as procedures to become certified as a
23 vehicle inspector for additional weights.

24 365 Inspection; Motorcycle Noise. Amend RSA 266:59-a to read as follows:

25 266:59-a Motorcycle Noise Levels.

26 I. No person shall operate in this state any motorcycle which produces a sound level in
27 excess of the following decibels, when measured in accordance with the provisions of the SAE
28 International Recommended Practice SAE J2825, "Measurement of Exhaust Sound Pressure Levels
29 of Stationary On-Highway Motorcycles":

30 (a) For all motorcycles, 92 decibels while the engine is operating at idle speed; or

31 (b) For motorcycles with less than 3 or more than 4 cylinders, 96 decibels while the
32 engine is operating at 2,000 revolutions per minute or 75 percent of maximum engine speed,
33 whichever is less; or

34 (c) For 3 and 4 cylinder motorcycles, 100 decibels while the engine is operating at 5,000
35 revolutions per minute or 75 percent of maximum engine speed, whichever is less.

36 ~~[II. No person shall pass for the purposes of the inspection required by RSA 266:1 any~~
37 ~~motorcycle which produces a sound level in excess of the following decibels, when measured in~~

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1 ~~accordance with the provisions of the SAE International Recommended Practice SAE J2825,~~
2 ~~"Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles":~~

3 ~~(a) For all motorcycles, 92 decibels while the engine is operating at idle speed; or~~

4 ~~(b) For motorcycles with less than 3 or more than 4 cylinders, 96 decibels while the~~
5 ~~engine is operating at 2,000 revolutions per minute or 75 percent of maximum engine speed,~~
6 ~~whichever is less; or~~

7 ~~(c) For 3 and 4 cylinder motorcycles, 100 decibels while the engine is operating at 5,000~~
8 ~~revolutions per minute or 75 percent of maximum engine speed, whichever is less.~~

9 ~~III.]~~ **II.** Any person who violates the provisions of this section shall be guilty of a violation
10 and shall be fined not less than \$100 nor more than \$300.

11 366 Inspection; Odometers. Amend RSA 266:60 to read as follows:

12 266:60 Standards for Odometers. No passenger motor vehicle designated as a 1972 or later
13 model which is manufactured after January 1, 1972, shall be registered in this state unless it is
14 equipped with a tamper-resistant odometer designed with the intent to reduce the likelihood of
15 unlawful tampering with the mileage reading thereon. The director may adopt rules pursuant to
16 RSA 260:5 establishing standards for such devices, which standards shall be consistent with
17 provisions of federal law, if any, relating thereto. The director shall not require, as a condition
18 precedent to the initial sale of a vehicle, ~~[the inspection,]~~ certification or other approval of such
19 odometer if such device or equipment has been certified by the manufacturer as complying with
20 federal or state law or rule.

21 367 Street Rod Equipment; Inspection. Amend RSA 266:13, I to read as follows:

22 I. A vehicle registered as a street rod shall be equipped as prescribed by RSA 266 ~~[and state~~
23 ~~of New Hampshire official inspection station rules adopted pursuant to RSA 541-A,]~~ as ~~[they]~~ **it** may
24 be applicable to vehicles whose model year is prior to the year 1949.

25 368 Custom Vehicles; Inspection. Amend RSA 266:115, I to read as follows:

26 I. A vehicle registered as a custom vehicle shall be equipped as prescribed by RSA 266 ~~[and~~
27 ~~state of New Hampshire official inspection station rules adopted pursuant to RSA 541-A,]~~ as ~~[they]~~ **it**
28 may be applicable to such vehicles.

29 369 Sale of Unsafe Used Motor Vehicles; Inspection. Amend RSA 358-F:2 to read as follows:

30 358-F:2 Inspection. Before selling to any customer any used motor vehicle which is **believed by**
31 **the customer to be** unsafe for operation upon the highways pursuant to ~~[RSA 266:8]~~ **RSA 266**, the
32 dealer shall, upon the request of the customer, conduct or have conducted a safety inspection of such
33 vehicle. If the vehicle is found to be unsafe for operation, the dealer may sell the vehicle to the
34 customer without correcting the defects, but only if the dealer presents to the customer at the time of
35 sale a notice which states: This motor vehicle ~~[will not pass a New Hampshire inspection and]~~ is
36 unsafe for operation **upon the highways pursuant to RSA 266**. The following defects must be
37 corrected ~~[before an inspection sticker will be issued]~~. The dealer shall list all ~~[inspection]~~ defects

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1 under this statement and specify the date on which the inspection was conducted and the person
2 who performed the inspection. The dealer may make a reasonable charge for conducting the
3 inspection.

4 370 Sale of Unsafe Used Motor Vehicles; Remedy. Amend RSA 358-F:4 to read as follows:

5 358-F:4 Remedy. A failure of any dealer to comply with the provisions of this section, or a
6 concealment by any dealer of any defect which was discovered, or should have been discovered,
7 during the inspection [~~required by~~] ***requested under*** RSA 358-F:2 is an unfair or deceptive act or
8 practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be
9 used to enforce the provisions of this chapter.

10 371 Repeal. The following are repealed:

- 11 I. RSA 125-S:4, relative to the motor vehicle air pollution abatement fund.
12 II. RSA 260:6-a, relative to administrative review of sanctions against inspection stations.
13 III. RSA 260:6-b, relative to point system for automobile dealer and inspection station
14 violations.
15 IV. RSA 266:1, relative to inspection authorized.
16 V. RSA 266:1-a, relative to state police duties relative to vehicle inspection.
17 VI. RSA 266:1-b, relative to inspection of trailers.
18 VII. RSA 266:2, relative to fees.
19 VIII. RSA 266:3, relative to inspection of spare tires.
20 IX. RSA 266:3-a, relative to rust.
21 X. RSA 266:4, relative to repair of defective equipment.
22 XI. RSA 266:5, relative to penalties for failing to obey inspection requirements.
23 XII. RSA 266:6, relative to driving of uninspected vehicles.
24 XIII. RSA 266:8, relative to sales of unsafe vehicles.
25 XIV. RSA 266:59-b, relative to emission control equipment.
26 XV. RSA 266:78-o, relative to emergency and warning lights; duties of official inspection
27 stations.

28 372 Effective Date. Sections 362 through 371 of this act shall take effect January 1, 2026.

29 373 Ten-Year Transportation Improvement Program; State and Federal Funding. Amend RSA
30 228:114 to read as follows:

31 228:114 State and Federal Funding.

32 ***I.*** Any public-private partnership projects utilizing federal or state funding shall be
33 approved as part of the state 10-year transportation improvement program in accordance with RSA
34 240.

35 ***II.*** ***All proceeds or revenues to the state derived from public-private partnerships***
36 ***and intended for payment to the department of transportation shall be credited to the***

1 *department of transportation, restricted in accordance with the approved public-private*
2 *partnership agreement, continuously appropriated, and non-lapsing.*

3 374 Fish and Game; Gifts, Donations, and Raffles. Amend RSA 206:33-a to read as follows:

4 206:33-a Gifts, ~~and~~ Donations, **and Raffles**; Account Established.

5 I. Notwithstanding any other provision of law to the contrary, individual gifts and donations
6 not exceeding \$2,500 in value in a year may be received by the fish and game department with the
7 consent of the commission and without the approval of the governor or the governor and council.
8 Individual gifts and donations exceeding \$2,500 in value in a year may be received by the fish and
9 game department with the consent of the commission and with the approval of the governor and
10 council.

11 ***I-a. The fish and game department is authorized to conduct raffles for fundraising***
12 ***purposes. Revenue received shall be credited to the gifts, donations, and raffles account***
13 ***established in RSA 206:33-a, II.***

14 II. There is established an account within the fish and game fund to be known as the gifts,
15 ~~and~~ donations, **and raffles** account. Moneys in the gifts and donations account are nonlapsing and
16 continually appropriated to the fish and game department. All gifts and donations shall be
17 deposited in this account, except gifts and donations made to the department in support of a specific
18 program that has an established dedicated account in title XVIII which shall be deposited into the
19 appropriate dedicated account and expended in accordance with the purpose of the dedicated
20 account.

21 III. This section shall not apply to gifts, grants, bequests, or donations received pursuant to
22 RSA 206:33-c or RSA 212-B:6.

23 375 Fish and Game; Gifts, Donations, and Raffles. Amend RSA 6:12, I(b)(231) to read as
24 follows:

25 (231) Moneys deposited in the fish and game department gifts, ~~and~~ donations, **and**
26 ***raffles*** account under RSA 206:33-a.

27 376 Pheasant License Revenues. Amend RSA 206:35-a to read as follows:

28 206:35-a Pheasant License Revenues. The state treasurer shall establish a separate account to
29 which shall be credited all moneys collected by the fish and game department from issuance of
30 pheasant licenses under RSA 214:9, X. The moneys in said account shall be used only for purchase
31 or propagation of pheasants, ***as well as for program management and implementation***, and is
32 hereby appropriated for said purposes. Said funds shall be expended for the purposes hereof as
33 determined by the executive director with the approval of the commission. The moneys in said
34 account shall be nonlapsing.

35 377 Fisheries Habitat Fee. Amend RSA 214:1-g to read as follows:

36 I. A ~~[one-dollar]~~ **\$5** fisheries habitat fee shall be required to be paid by all persons 16 years
37 of age or older, in addition to each applicable fishing or combination license required by Title XVIII,

1 in order to take fish in the fresh waters of this state. ***The \$5 fee shall be credited as \$4 of***
2 ***unrestricted revenue to the fish and game fund and \$1 to the fisheries habitat account***
3 ***under RSA 214:1-g, II.*** This paragraph shall not apply to any person who takes fish under a
4 complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-
5 a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c
6 that was purchased in a prior calendar year.

7 II. The state treasurer shall establish a separate nonlapsing account within the fish and
8 game fund, to be known as the fisheries habitat account, to which ~~shall be credited all~~ ***a portion of***
9 ***the fees collected under RSA 214:1-g, I shall be allocated.*** The state treasurer may accept public
10 and private grants and donations for deposit into the account. ***Beginning in the fiscal year***
11 ***ending June 30, 2026, and each year thereafter, any amount in this account in excess of***
12 ***\$750,000 at the end of the fiscal year shall be transferred to the fish and game fund.***

13 378 Game Management Account Established; Report. Amend RSA 206:34-b, I to read as
14 follows:

15 I. The state treasurer shall establish a separate nonlapsing account within the fish and
16 game fund, to be known as the game management account. Each month the department shall
17 determine the number of licenses, applications, or permits sold for moose, bear, turkey, and
18 waterfowl and, for each, transfer \$10 to the game management account. The moneys in this account
19 shall be used exclusively for the implementation of a comprehensive population and habitat
20 management program, including research and management, protection, education, and outreach for
21 game as defined in RSA 207:1, IX, fur-bearing animals as defined in RSA 207:1, VIII, and migratory
22 game birds as defined in RSA 209:5 to include waterfowl, snipe, and woodcock. Funds in the game
23 management account are hereby continually appropriated for said purposes. Said funds shall be
24 expended for the purposes of this section as determined by the executive director with approval of
25 the commission. ***Beginning in the fiscal year ending June 30, 2026, and each year thereafter,***
26 ***any amount in this account in excess of \$750,000 at the end of the fiscal year shall be***
27 ***transferred to the fish and game fund.***

28 379 Wildlife Habitat License. Amend RSA 214:1-f, V to read as follows:

29 V. The state treasurer shall establish a separate nonlapsing account within the fish and
30 game fund, to be known as the wildlife habitat account, to which shall be credited all fees collected
31 under RSA 214:9, XV from the sale of wildlife habitat licenses. The state treasurer may accept
32 public and private grants and donations into the account. ***Beginning in the fiscal year ending***
33 ***June 30, 2026, and each year thereafter, any amount in this account in excess of \$750,000 at***
34 ***the end of the fiscal year shall be transferred to the fish and game fund.***

35 380 Application; Hunting, Fishing, and Trapping Licenses. Amend RSA 214:9 to read as
36 follows:

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XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild birds, a fee set by the executive director pursuant to RSA 206:10, I, and the agent shall thereupon issue a wildlife habitat license as provided in RSA 214:1-f. For any year in which a license is issued, the agent shall be entitled to retain a portion of the fee as set by the executive director pursuant to RSA 206:10, I for each wildlife habitat license sold and all licenses sold at the department headquarters or any subagency thereof shall retain the same portion of the fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish and game fund. Notwithstanding any other provision of law, there shall be no agent fee for a wildlife habitat license issued pursuant to RSA 214:1-f. ***The wildlife habitat fee shall be set no less than \$5, with \$2.50 credited to the wildlife habitat account established under RSA 214:1-f and the remainder credited to the fish and game fund.***

381 Transfers to Fish and Game Fund.

I. Notwithstanding any law to the contrary, any amounts in excess of \$750,000 in the fisheries habitat account established under RSA 214:1-g, II, shall be transferred to the fish and game fund on June 30, 2025.

II. Notwithstanding any law to the contrary, any amounts in excess of \$750,000 in game management account established under RSA 206:34-b, I, shall be transferred to the fish and game fund on June 30, 2025.

III. Notwithstanding any law to the contrary, any amount remaining in the fish food sales revenue account established under RSA 206:35-c, shall be transferred to the fish and game fund on June 30, 2025.

382 Repeal. The following are repealed:

I. RSA 206:35-c, relative to the fish food sales revenue account.

II. RSA 6:12, I(b)(182), relative to the fish food sales revenue account.

383 Effective Date.

I. Sections 381 and 382 shall take effect June 30, 2025.

II. Sections 377 and 380 shall take effect January 1, 2026.

384 New Hampshire Retirement System; Membership; Division of Fire Safety. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(c) who has 10 years' fire service experience, who is or becomes the director of the division of fire safety, the director of the division of homeland security and emergency management, the director of the division of fire standards and training and emergency medical services, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and

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1 certification requirements for physical condition, education, and training shall be construed to be a
2 permanent fireman for the purposes of membership in group II and shall remain in the system for
3 the duration of service in that capacity with the fire standards and training commission *or the*
4 *division of fire safety*.

5 385 Repeal. The following are repealed:

6 I. RSA 284:45, VI(a)(10), relative to allowing a licensed lottery retailer to allow the sale of
7 keno games in a city or town that has voted to allow for the operation of keno games.

8 II. RSA 284:45, VI(b), relative to the requirement that cities and towns document the keno
9 games they allow to operate.

10 III. RSA 284:51, relative to the local option allowing cities and towns to vote to allow the
11 operation of keno games in their communities.

12 386 New Paragraphs; Commissioner's Warrant. Amend RSA 76:8 by inserting after paragraph
13 III the following new paragraphs:

14 IV. Until June 30, 2027, school district appropriation amounts, less facilities acquisition and
15 construction, authorized in paragraph III and reported pursuant to RSA 198:4-a, shall not be more
16 than the previous year's appropriation, less facilities acquisition and construction, times the
17 previous 5 years average Consumer Price Index pursuant to paragraph VI.

18 (a) After June 30, 2027, the school district appropriation amount, less facilities
19 acquisition and construction, authorized in paragraph III shall not be more than the greater of the
20 following:

21 (1) The 5-year average percent change in ADMR used for the purposes of calculating
22 adequate education grants pursuant to RSA 198:40-a applied to the previous year's appropriation,
23 less facilities acquisition and construction, or

24 (2) The 5-year average appropriation, less facilities acquisition and construction.

25 (b) School districts seeking appropriations, less facilities acquisition and construction, to
26 assess local property taxes in excess of paragraph IV, as applicable, shall do so by a 2/3 majority vote
27 of their legislative body on each vote or warrant article in excess of the appropriation determined in
28 paragraph V. The vote to exceed the excess shall not be a voice vote.

29 (c) Districts seeking emergency appropriations shall follow the provisions of RSA 197:3.

30 V. Within 45 days after the reported appropriation amounts are submitted pursuant to RSA
31 198:4-a, the commissioner of the department of revenue administration shall notify the school board
32 of any excess appropriations not made in accordance with RSA 76:8, IV and delete those
33 appropriations when computing district taxation pursuant to RSA 198:4-a, IV.

34 VI. Previous 5 years average Consumer Price Index shall be calculated by using the All
35 Urban Consumers, Northeast Region, using the "services less medical care services" special
36 aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor.

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1 The average annual change shall be calculated using the 5 calendar years ending 18 months before
2 the start of the fiscal year.

3 387 Public School Infrastructure Fund. Amend the introductory paragraph of RSA 198:15-y, III
4 to read as follows:

5 III. The public school infrastructure commission may authorize the department of education
6 to fund expenditures ~~[with approval of the fiscal committee of the general court]~~ for the following
7 purposes:

8 388 Education; Special Education; Program Approval, Monitoring, and Corrective Action.
9 Amend RSA 186-C:5, IX to read as follows:

10 IX. The department, with input from the advisory committee on the education of
11 children/students with disabilities, shall select and contract with an independent, nationally
12 recognized organization in program evaluation and quality assurance to evaluate in 2010, 2015, and
13 decennially thereafter, the effectiveness of the program approval and monitoring system, including
14 whether it is carrying out activities in RSA 186-C:5 in an efficient manner. Such organization shall
15 submit recommendations for any improvements to the commissioner, the state board of education,
16 the governor, and the general court within 90 days of completing the program evaluation. On or
17 before September 1, 2013, the department shall submit a written response to the report submitted
18 by the organization that conducted the 2012 independent evaluation. The written response shall
19 include a detailed plan for how the department will address the areas identified as needing
20 improvement and the recommendations made in the initial evaluation required under this section.
21 The written response shall include specific steps the department plans to take, along with a timeline
22 for each step. The written response shall also provide an explanation for any actions the department
23 will not implement or complete during the plan's timeframe. On or before December 30, 2013 and
24 June 30, 2014, the department shall submit a report of its progress toward completing its plan. The
25 plan and reports shall be submitted to the governor, to the chairpersons of the senate and house
26 committees with jurisdiction over education policy, to the state advisory committee for the education
27 of children with disabilities established in RSA 186-C:3-b, and to the state board of education. For
28 the 2015 evaluation, the department shall invite the same organization that conducted the 2012
29 evaluation to respond to a request for proposals. The 2015 evaluation shall include feedback on the
30 steps the department has taken in response to the recommendations in the 2012 report. The
31 department shall provide unimpeded access to all documents requested by the organization, except
32 as otherwise required by law. ***For the 2025 evaluation, the department may utilize the Special***
33 ***Education Dispute Resolution performance audit and the Special Education performance***
34 ***audit from the audit division of the office of legislative budget assistant of the New***
35 ***Hampshire general court to meet this requirement.***

36 389 Education; Special Education; State Aid. Amend RSA 186-C:18, III(a)-(b) to read as follows:

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1 III.(a) The ~~[state board of education through the commissioner,]~~ department of education~~[,]~~
2 shall distribute aid available under this paragraph as entitlement to such school districts as have a
3 special education pupil for whose costs they are responsible, for whom the costs of special education
4 in the fiscal year exceed 3 **and** 1/2 times the ~~[estimated]~~ **most current** state average expenditure
5 per pupil for the school year preceding the year of distribution. ~~[If in any year, the amount~~
6 ~~appropriated for distribution as special education aid in accordance with this section is insufficient~~
7 ~~therefor, the appropriation shall be prorated proportionally based on entitlement among the districts~~
8 ~~entitled to a grant.]~~ ***If in any year, the amount appropriated for distribution as special***
9 ***education aid in accordance with this section is insufficient therefor, the appropriation***
10 ***shall be prorated proportionally based on entitlement among the districts entitled to a***
11 ***grant, provided that the department of education shall distribute to the school district not***
12 ***less than 80 percent of the district's entitlement in the fiscal year.*** ~~[If there are unexpended~~
13 ~~funds appropriated under this paragraph at the end of any fiscal year, such funds shall be~~
14 ~~distributed for court ordered placements and episodes of treatment under RSA 186-C:19-b.]~~ The
15 state may designate up to \$250,000 of the funds which are appropriated as required by this
16 paragraph, for each fiscal year, to assist those school districts which, under guidelines established by
17 rules of the state board of education, may qualify for emergency assistance to mitigate the impact of
18 special education costs. The state may designate up to an additional \$250,000 of the funds which are
19 appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents
20 to mitigate the impact of special education costs when emergency assistance is necessary to prevent
21 significant financial harm to such district or community. Upon application to the commissioner of
22 education, and approval by the commissioner, such funds may be accepted and expended by school
23 districts in accordance with this chapter; provided, however, that if a school district has received
24 emergency assistance funds for certain children with disabilities, it shall not receive special
25 education aid for those same children with disabilities. If any of the funds designated for emergency
26 assistance under this paragraph are not used for such emergency assistance purposes, the funds
27 shall be used to assist school districts in meeting special education cost increases in their special
28 education programs as provided by this paragraph.

29 (b) The school district shall be liable for 3 **and** 1/2 times the estimated state average
30 expenditure per pupil for the school year preceding the year of distribution, plus 20 percent of the
31 additional cost, up to 10 times the estimated state average expenditure per pupil for the school year
32 preceding the year of distribution.

33 390 Education; Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

34 IV. ~~[The state shall appropriate an amount for each fiscal year to assist special education~~
35 ~~programs that are statewide in their scope, and that meet the standards for such programs~~
36 ~~established by the state board of education. Funds under this paragraph shall be administered and~~
37 ~~distributed by the state board of education through the commissioner.]~~ ***The amount necessary to***

1 *fund special education aid under this section is hereby appropriated to the department.*
2 *The governor is authorized to draw a warrant to satisfy the state's obligation under this*
3 *section.*

4 391 New Hampshire Excellence in Higher Education Endowment Trust Fund Established.
5 Amend RSA 6:38, I to read as follows:

6 I. There is hereby established in the office of the treasurer the New Hampshire excellence in
7 higher education endowment trust fund which shall be kept distinct and separate from all other
8 funds. Annual assessments, less any annual administrative costs received from the New Hampshire
9 college tuition savings plan established under RSA 195-H, ***and less \$15,000,000 in the fiscal year***
10 ***ending June 30, 2026, and \$15,000,000 in the fiscal year ending June 30, 2027, which shall***
11 ***be allocated as state support to the university system of New Hampshire,*** shall be credited to
12 the trust fund to provide scholarships for the benefit of residents of the state pursuing programs of
13 study at eligible educational institutions within the state.

14 392 Agency Directive; Department of Health and Human Services. For the biennium ending
15 June 30, 2027, the department of health and human services shall not enroll any new participants
16 into the state loan repayment program (SLRP). The department may continue to fund existing
17 agreements with existing participants who enrolled in the SLRP prior to the effective date of this
18 section.

19 393 Department of Health and Human Services; Contracts. All department of health and
20 human services contracts or contract amendments shall include a provision requiring the contractor
21 to comply with the patients' bill of rights as applicable pursuant to RSA 151:21.

22 394 Applicability. Section 393 of this act shall apply to contracts or contract amendments
23 entered into on or after the effective date of that section.

24 395 Repeal. Section 393 of this act, relative to department of health and human services
25 contracts, is repealed.

26 396 Effective Date.

27 I. Section 395 of this act shall take effect November 30, 2026.

28 II. Sections 393 and 394 of this act shall take effect 60 days after its passage.

29 397 New Subparagraphs; County Reimbursement of Funds; Limitation on Payments. Amend
30 RSA 167:18-a, III(b) by inserting after subparagraph (4) the following new subparagraphs:

31 (5) For fiscal year 2026, in addition to the \$5,000,000 allocated pursuant to
32 subparagraph III(b)(3), an aggregate credit of \$5,625,000 shall be allocated among the counties
33 based upon their relative proportional share of overpayments in fiscal year 2020 and fiscal year
34 2021.

35 (6) For fiscal year 2027, in addition to the \$5,000,000 allocated pursuant to
36 subparagraph III(b)(3), an aggregate credit of \$5,625,000 shall be allocated among the counties

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1 based upon their relative proportional share of overpayments in fiscal year 2020 and fiscal year
2 2021.

3 (7) For fiscal year 2028, in addition to the \$5,000,000 allocated pursuant to
4 subparagraph III(b)(3), an aggregate credit of \$5,625,000 shall be allocated among the counties
5 based upon their relative proportional share of overpayments in fiscal year 2020 and fiscal year
6 2021.

7 (8) For fiscal year 2029, in addition to the \$5,000,000 allocated pursuant to
8 subparagraph III(b)(3), an aggregate credit of \$5,625,000 shall be allocated among the counties
9 based upon their relative proportional share of overpayments in fiscal year 2020 and fiscal year
10 2021.

11 398 New Section; Circumcision under the State Medicaid Plan; Restrictions. Amend RSA 167
12 by inserting after section 3-m the following new section:

13 167:3-n State Medicaid Plan; Circumcision.

14 I. In this section:

15 (a) "Health care provider" means a hospital, health care facility, physician, resident
16 physician, physician assistant, or registered nurse, practicing in the state of New Hampshire.

17 (b) "Newborn child" means a person under 1 year of age.

18 (c) "Child" or "minor" means a person who is under 18 years of age.

19 II. Medical assistance provided under the state Medicaid plan shall not include the
20 circumcision of children unless the procedure is medically necessary pursuant to paragraphs III or
21 IV.

22 III. Medically necessary circumcision for a newborn child shall be valid for the following
23 diagnoses:

24 (a) Congenital obstructive urinary tract anomalies.

25 (b) Neurogenic bladder.

26 (c) Spina bifida.

27 (d) Recurrent urinary tract infections.

28 IV. Medically necessary circumcision for a minor shall be valid for the following diagnoses:

29 (a) A documented prior history of recurrent urinary tract infections.

30 (b) Documented vesicoureteral reflux of at least a Grade III.

31 (c) Paraphimosis unresponsive to medical therapy.

32 (d) Recurrent balanoposthitis.

33 (e) Recurrent balanitis or balanitis xerotica obliterans.

34 (f) Congenital chordee.

35 (g) Phimosis after puberty which has been unresponsive to medical therapy.

36 (h) Secondary or acquired phimosis causing urinary obstruction, hematuria or preputial
37 pain unresponsive to medical therapy.

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(i) Condyloma acuminatum.

(j) Malignant neoplasm of the prepuce.

(k) Or any diagnosed condition for which a circumcision is deemed medically necessary by a physician or other health care provider licensed in New Hampshire.

399 Effective Date. Section 398 of this act shall take effect January 1, 2026.

400 Senior Volunteer Grant Program; Establishment of Program. Amend RSA 161-F:40 to read as follows:

161-F:40 Establishment of Program.

I. There is hereby established a senior volunteer grant program in the department. The program shall, within the limits of funds appropriated, reimburse the senior companion ~~[and foster grandparents programs]~~ **program** for the volunteers' stipends, benefits, travel, and administrative expenses incurred in providing volunteer services.

II. The funds so appropriated shall be disbursed by the department in quarterly payments. The funds shall be allocated to **the** senior companion ~~[and foster grandparents programs]~~ **program**.

401 Alcohol Abuse Prevention and Training Fund; Appropriations and Disbursements. Amend RSA 176-A:1, III to read as follows:

III. Moneys ~~[received from all other sources other than the liquor commission pursuant to RSA 176:16, III, including any community benefit contribution made by New Hampshire's hospitals,]~~ shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1 and shall not be diverted for any other purposes. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment, and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3.

402 Repeal. RSA 176:16, III, relative to the disbursement of funds from the liquor commission to the alcohol abuse prevention and training fund, is repealed.

403 Home Dialysis; State Program Implementation. The department of health and human services shall, as part of the state Medicaid program, accelerate the implementation of the at home dialysis program. The department may, as part of its contracts with managed care organizations, provide incentives for such acceleration if the commissioner deems it necessary.

404 Education; Education Freedom Accounts; Program. Amend RSA 194-F:2, VII to read as follows:

VII. An EFA shall remain in force, and any unused funds shall roll over from quarter-to-quarter and from year-to-year until the parent withdraws the EFA student from the EFA program or until the EFA student graduates from high school, unless the EFA is closed because of a substantial misuse of funds. Any unused funds shall revert to the education trust fund established in RSA 198:39 ~~[and be allocated to fund other EFAs]~~.

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1 405 Applicability; Re-retiring. Notwithstanding the provisions of RSA 100-A, any retiree who
2 returns to active service shall only retain eligibility for the benefits applicable to their initial
3 retirement and the calculation of average final compensation, or the calculation of other benefits
4 resulting from the return to active service under RSA 100-A shall not apply.

5 406 Residential Care and Health Facility Licensing; License or Registration Required. Amend
6 RSA 151:4-a, II(a) to read as follows:

7 II.(a) Any person or entity proposing to establish [~~an ambulatory surgical center, emergency~~
8 ~~medical care center,~~] **a** hospital[, ~~birthing center, drop-in or walk-in care center, dialysis center, or~~
9 ~~special health care service~~] within a radius of 15 miles of the primary physical location of a New
10 Hampshire hospital certified as a critical access hospital pursuant to 42 C.F.R 485.610(b) and (c),
11 shall give written notice of the intent to establish a health care facility within a 15 mile radius with
12 a description of the facility [~~or special health care service~~] to the chief executive officer of the hospital
13 by certified mail.

14 407 Effective Date. Section 406 of this act shall take effect 60 days after its passage.

15 408 Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery.
16 Amend RSA 12-J:1 through RSA 12-J:4 to read as follows:

17 12-J:1 Commission Established; Membership; Terms.

18 There is hereby established a commission which shall serve in an advisory capacity to the
19 governor and the general court regarding ***the importance of prevention as well as*** the delivery of
20 effective and coordinated alcohol and ***other*** drug [~~abuse~~] ***misuse programs of*** prevention,
21 treatment ***using a public health informed approach to address addiction,*** and recovery
22 services throughout the state. The commission shall consist of the following members:

23 I. Seven public members, 2 of whom shall be professionals knowledgeable about alcohol and
24 ***other*** drug [~~abuse~~] ***misuse*** prevention, one of whom shall be appointed by the governor and one of
25 whom shall be appointed by the senate president; 2 of whom shall be professionals knowledgeable
26 about alcohol and ***other*** drug [~~abuse~~] ***misuse*** treatment ***including reduction of societal and***
27 ***individual harm,*** one of whom shall be appointed by the governor and one of whom shall be
28 appointed by the speaker of the house of representatives; 2 of whom shall be public members who
29 are not professionals within the alcohol and drug [~~addiction~~] ***misuse*** prevention and treatment
30 system, one of whom shall be appointed by the senate president and one of whom shall be appointed
31 by the speaker of the house of representatives; and one member in long-term recovery, appointed by
32 the governor.

33 II. Two members of the house of representatives, appointed by the speaker of the house of
34 representatives, and 2 members of the senate, appointed by the president of the senate. The term of
35 the legislative members of the commission shall be for the biennium and shall be coterminous with
36 membership in the general court. Legislative members shall receive mileage at the legislative rate
37 when attending to the duties of the commission.

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1 III.(a)(1) The attorney general, or designee.

2 (2) The adjutant general, or designee.

3 (3) The administrative judge of the circuit court, or designee.

4 (4) The chairperson of the liquor commission, or designee.

5 (5) The commissioner of the department of health and human services, or designee.

6 (6) The director of juvenile justice services, department of health and human
7 services, or designee.

8 (7) The commissioner of the department of education, or designee.

9 (8) The commissioner of the department of corrections, or designee.

10 (9) The commissioner of the department of safety, or designee.

11 (10) The director of the office of alcohol and drug policy, department of health and
12 human services, or designee.

13 (11) The commissioner of the department of insurance, or designee.

14 (b) The members under this paragraph shall serve terms coterminous with their terms
15 in office.

16 IV.(a)(1) A representative of the Business and Industry Association of New Hampshire,
17 appointed by the association.

18 (2) A representative of the New Hampshire Medical Society, appointed by the
19 society.

20 (3) The chancellor of the community college system of New Hampshire, or designee.

21 (4) The chairman of the New Hampshire Suicide Prevention Council.

22 (5) A representative of the New Hampshire Nurses' Association, appointed by the
23 association.

24 (6) A representative of the New Hampshire Charitable Foundation, appointed by the
25 foundation.

26 (7) A representative of the New Hampshire Hospital Association, appointed by the
27 association.

28 (8) ***The president of the New Hampshire Association of Chiefs of Police, or***
29 ***designee.***

30 (b) A representative of the state's faith-based community, who shall be a nonvoting
31 member, appointed by the governor.

32 (c) The members under this paragraph shall serve 3-year terms.

33 12-J:2 Organization of Commission; Task Forces; Staffing.

34 I. The commission shall elect one of its members to serve as chairperson. The executive
35 director of the commission shall be the director of the appropriate division responsible for alcohol
36 and drug [abuse] ***misuse*** prevention and recovery, who shall serve without additional compensation.
37 Twelve members of the commission shall constitute a quorum.

1 II.(a) To assist the commission in the performance of its duties, the chairperson shall create
2 task forces. The chairperson shall initially create task forces to address the following issues:

3 (1) Prevention.

4 (2) Treatment ***and reduction of societal and individual harm.***

5 (3) Recovery.

6 (4) Program monitoring and evaluation.

7 (b) To assist the commission in the performance of its duties, the chairperson may create
8 additional task forces.

9 (c) The commission chairperson shall appoint at least one commission member to serve
10 on each task force as chairperson.

11 (d) Based upon recommendations from each task force, the commission chairperson may
12 appoint non-commission members to serve as adjunct members of each task force for a term of one
13 year. In appointing adjunct members, the chairperson shall ensure that youth have the opportunity
14 to participate directly in the work of appropriate task forces.

15 (e) Each task force shall:

16 (1) Develop a mission statement, including its goals and objectives.

17 (2) Report to the commission on a regular basis concerning available programs,
18 funding, and unmet needs.

19 (3) Identify program areas where improved coordination is needed.

20 II-a. The chairperson shall create a budget task force comprised of the individuals listed in
21 RSA 12-J:1, III(a) to report biannually on financial expenditures for substance [~~abuse~~] ***misuse***
22 related work throughout state government as detailed in RSA 12-J:4, III and recommend budget
23 policy priorities to the commission regarding the allocation of funding alcohol and ***other*** drug
24 prevention, treatment ***including reduction of societal and individual harm***, and recovery
25 services across state agencies and throughout the state.

26 III. All executive branch departments shall provide administrative support to the
27 commission. The executive director of the commission shall direct and coordinate the administrative
28 support to the commission.

29 IV. All executive branch departments shall respond promptly to written requests from the
30 commission for information concerning the alcohol and drug abuse prevention, treatment, and
31 recovery programs and services provided by them and the costs and funding sources for such
32 programs and services.

33 ***12-J:2-a Definition of Harm Reduction.***

34 ***I. For the purposes of this chapter, RSA 126-A, RSA 318-B:93, RSA 328-D:3, and RSA***
35 ***329:16-g, "harm reduction" is an approach that emphasizes engaging directly with people***
36 ***who use alcohol and other drugs to prevent overdose and infectious disease transmission,***
37 ***improve the physical, mental, and social function of those served, and offer low-threshold***

options for accessing substance use disorder treatment and other health care services. Harm reduction shall be balanced by the imperative to protect society from the ravages of alcohol or drug misuse.

II. This approach shall be limited to the following:

(a) Connecting individuals to overdose education, counseling, and referral to treatment for infectious diseases and substance use disorders.

(b) Distributing opioid overdose reversal medications, such as naloxone to individuals at risk of overdose, or to those who might respond to an overdose, and provide training in overdose reversal and prevention.

(c) Making available substance test kits, including fentanyl test strips.

(d) Lessening harms associated with drug use and related behaviors that increase the risk of infectious diseases, including HIV, viral hepatitis, and bacterial and fungal infections; via referrals, syringe service programs, sharps disposal and medication disposal kits, wound care supplies medication lock boxes, education, testing, and prophylactic measures.

(e) Reducing infectious disease transmission among people who use drugs, including those who inject drugs by equipping them with accurate information and facilitating referral to resources.

(f) Reducing overdose deaths, promoting linkages to care, and facilitating appropriate co-location of services as part of a comprehensive, integrated approach.

(g) Providing education and public awareness programs to reduce stigma associated with substance use and co-occurring disorders.

(h) Promoting a philosophy of hope and healing by utilizing those with lived experience of recovery in the management of harm reduction services, and connecting those who have expressed interest to treatment, peer support workers and other recovery support services.

(i) Promoting a healthy society by mitigating the harmful effects of individual misuse of alcohol and other drugs.

12-J:3 Duties.

The duties of the commission shall be to:

I. Develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and other drug [abuse] misuse, particularly among youth, and a comprehensive system of treatment including reduction of societal and individual harm and recovery services for individuals and families affected by alcohol and other drug [abuse] misuse. Nothing in RSA 12-J should be construed to limit care of chronic pain and hospice and palliative care patients, including use of the term "misuse" which shall be utilized, as intended, to broaden the scope of work across the substance use continuum of care. The statewide plan shall:

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1 (a) Identify the causes, the nature and scope, and the impact of alcohol and **other** drug
2 [~~abuse~~] **misuse** in New Hampshire.

3 (b) Identify and prioritize unmet needs for prevention **as a leading state initiative**,
4 treatment **including reduction of societal and individual harm**, and recovery services.

5 (c) Recommend initiatives and policy considerations to the general court to reduce the
6 incidence of alcohol and **other** drug [~~abuse~~] **misuse** in New Hampshire.

7 (d) Identify and quantify public and private resources available to support alcohol and
8 drug [~~abuse~~] **misuse** prevention, treatment **including reduction of societal and individual**
9 **harm**, and recovery.

10 (e) Specify additional resources necessary to address unmet needs for prevention,
11 treatment **including reduction of societal and individual harm**, and recovery.

12 (f) Specify evaluation and monitoring methodology.

13 II. Advise the governor and general court on and promote the development of effective
14 community-based alcohol and **other** drug [~~abuse~~] **misuse** prevention strategies.

15 III. Advise the governor and the general court on and promote the development of treatment
16 services, **including reduction of societal and individual harm**, to meet the needs of **society**
17 **and** citizens addicted to alcohol or other drugs.

18 III-a. Advise the governor and the general court on and promote the development of recovery
19 services to meet the needs of citizens in recovery from alcohol and other drug misuse.

20 IV. Identify unmet needs and the resources required to reduce the incidence of alcohol and
21 drug [~~abuse~~] **misuse** in New Hampshire and to make recommendations to the governor and general
22 court regarding legislation and funding to address such needs.

23 V. Authorize the disbursement of moneys from the alcohol abuse prevention and treatment
24 fund, pursuant to RSA 176-A:1, III.

25 VI. Make presentations at least once each legislative session to the house and senate finance
26 committees, the senate health and human services committee, the house health, human services and
27 elderly affairs committee, and the fiscal committee of the general court.

28 VII. Develop a handout which shall describe the risks of opioid use and how to mitigate
29 them for the purposes of RSA 318-B:16-a.

30 12-J:4 Meetings and Reports.

31 I. The commission shall meet at least 4 times each year and may convene public hearings as
32 necessary to promote the goals of the commission.

33 II. The commission shall submit an annual report to the governor, speaker of the house of
34 representatives, president of the senate, chairpersons of the house and senate finance committees,
35 chairperson of the house health, human services and elderly affairs committee, the chairperson of
36 the senate health and human services committee, and the chairperson of the fiscal committee of the

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1 general court by October 1 of each year regarding the activities of the commission. The annual
2 report shall:

3 (a) Identify alcohol and *other* drug [~~abuse~~] *misuse* prevention ***as a leading state***
4 ***initiative***, treatment ***including reduction of societal and individual harm***, and recovery
5 services and programs provided by state departments and agencies or funded in whole or in part by
6 state or federal funds;

7 (b) Indicate the progress made during the prior year toward the implementation of the
8 statewide plan developed by the commission pursuant to RSA 12-J:3, I;

9 (c) Recommend any revisions to the statewide plan developed pursuant to RSA 12-J:3, I;

10 (d) Identify and prioritize unmet needs for prevention, treatment ***including reduction***
11 ***of societal and individual harm***, and recovery;

12 (e) Indicate the progress, or lack thereof, in addressing the unmet needs;

13 (f) Recommend initiatives and/or policy considerations to the governor and the general
14 court to address the unmet needs;

15 (g) Specify the resources and any legislation necessary to support existing programs for
16 prevention, treatment ***including reduction of societal and individual harm***, and recovery and
17 to develop, implement, support, and evaluate the initiatives recommended by the commission;

18 (h) In even-numbered years the report may include specific recommendations for funds
19 to be included in the next state biennial budget to support alcohol and *other* drug [~~abuse~~] *misuse*
20 prevention, treatment ***including reduction of societal and individual harm***, and recovery
21 services and programs; and

22 (i) Incorporate the findings and recommendations of the report required under
23 paragraph II-a and make specific findings and recommendations regarding public awareness,
24 education, and legislation to address the dangers of synthetic drugs.

25 II-a. The commission shall prepare a report, including recommendations for policies to be
26 implemented for coordinating public awareness of and education in the ***importance of prevention***
27 ***and health promotion, as well as the*** dangers of synthetic drugs and other emerging or designer
28 synthetic drug substances. The report shall include substantive input from the commission's
29 member agencies, including the department of health and human services, bureau of drug and
30 alcohol services, the attorney general, the department of safety, and the department of education.
31 The commission shall submit its initial report, including recommendations, to the senate president,
32 the speaker of the house of representatives, and the governor no later than 3 months after the
33 effective date of this paragraph. The commission shall submit subsequent reports, including
34 recommendations, to the senate president, the speaker of the house of representatives, and the
35 governor annually thereafter.

36 III.(a) To assist the commission in the timely completion of its annual report, each
37 commission member representing an executive branch department or entity shall provide the

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information specified in paragraph II for its department or entity to the commission on or before August 1 of each year.

(b) The commission shall submit a mid-year report to the governor, speaker of the house of representatives, president of the senate, chairpersons of the house and senate finance committees, chairperson of the house health, human services and elderly affairs committee, chairperson of the senate health and human services committee, and chairperson of the fiscal committee of the general court by March 1 of each year regarding the current state of drug ~~abuse~~ ***misuse***, prevention, treatment ***including reduction of societal and individual harm***, and recovery. The commission shall include a dashboard of the following, both in the interim and the annual report as required in RSA 12-J:4, II, that includes but is not limited to:

(1) ***A summary of known prevention programs to include the general type and approaches being followed.***

(1-a) The number of known drug overdoses, broken out by drug involved.

(2) The number of deaths attributable to overdoses, as reported by the chief medical examiner, broken out by drug involved.

(3) The number of people known to be in treatment or recovery programs supported by commission funding.

(4) The accessibility and availability of treatment programs, including waitlists.

(5) The number of individuals in drug court programs, as reported by the judicial branch.

(6) The number of individuals in diversion programs, as reported by the judicial branch.

(7) The number of convictions for drug related offenses, as reported by the judicial branch.

(8) The number of persons incarcerated for drug related offenses as reported by the department of corrections.

(9) Funds expended and balances remaining, programs and strategies created or sustained by the funds, and an estimate of the number of individuals served by these funds.

(10) Barriers to data access and availability, with proposed strategies to develop or enhance data capacity.

(11) Performance outcomes pursuant to National Outcomes Measurement Standards (NOMS) as required with federal funding sources.

(12) Any other information requested by the governor or general court.

(c) All data required in subparagraph (b) shall be presented in the aggregate to protect the privacy of the individual. The commission shall delete any data required in those paragraphs that enables the personal identification of an individual.

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IV. In the reports submitted by the commission to the governor, speaker of the house of representatives, president of the senate, chairpersons of the house and senate finance committees, chairperson of the house health, human services and elderly affairs committee, chairperson of the senate health and human services committee, and chairperson of the fiscal committee of the general court, the report shall include outcome data and/or research citations about the efficacy of funded programs based upon evidence of program results.

409 Report on Cost-Effectiveness and Outcomes of Programs Required. Amend RSA 12-J:5, I(a)(2) to read as follows:

(2) Prevention programs, ***including reduction of societal and individual harm.***

410 New Section; Substance Use Disorder Access Points. Amend RSA 126-A by inserting after section 98 the following new section:

126-A:99 Substance Use Disorder Access Points Established.

I. With the availability of sufficient federal funding, the department of health and human services shall establish and administer statewide access points for delivery of substance use services and supports. The access points shall provide information and referrals for screening and evaluation; treatment, including medications for substance use disorders; prevention, and treatment including naloxone; supports and services to assist in long-term recovery; and peer recovery support services.

II. The commissioner of the department of health and human services shall include the administration and operation of the access points in the department's report to the governor's commission on alcohol and other drug misuse prevention, treatment, and recovery under RSA 12-J:4, III.

III. The program shall be funded through the state opioid response grant from the Substance Abuse and Mental Health Services Administration. In addition, the department may accept funds from any source, including state appropriations, federal funds, and private gifts, grants, or donations to operate and sustain the access points.

411 Syringe Service Programs; Activities. Amend RSA 318-B:43, II(b) to read as follows:

(b) Coordinate and collaborate with other local agencies, ***including law enforcement agencies,*** organizations, and providers involved in comprehensive prevention programs for people who inject drugs to minimize duplication of effort.

412 New Subparagraph; Syringe Service Programs; Activities. Amend RSA 318-B:43, II by inserting after subparagraph (b) the following new subparagraph:

(b-1) Consult and inform municipal law enforcement agencies concerning syringe service program and harm reduction activities.

413 New Section; Controlled Drug Act; Syringe Service Programs. Amend RSA 318-B by inserting after section 43 the following new section:

318:43-a Syringe Service Programs; Authorized Activities and Funding Sources.

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I. Notwithstanding any other law to the contrary, any person authorized under RSA 318-B:43 to operate a syringe service program may engage in eligible activities, as defined in paragraph IV.

II. State funds including, but not limited to, funds received by the state in the New Hampshire opioid litigation settlement may be used to support the activities of syringe service programs as permitted under this section and RSA 318-B:43.

III. No person shall be prohibited from using federal funds for eligible activities and syringe service programs as authorized in RSA 318-B:43, so long as the use of the federal funds is consistent with federal law and any rules governing use of the funds.

IV. In this section:

(a) "Drug checking" means the process of identifying, analyzing, or detecting the composition of a drug or the presence or composition of an unexpected substance within the drug.

(b) "Drug checking equipment" means equipment, products, or materials used, designed for use, or intended for use to perform drug checking, including materials and items used by the person operating the equipment or products to store, measure, or process samples for analysis. Drug checking equipment includes fentanyl test strips, other immunoassay drug testing strips, colorimetric reagents, spectrometers such as Fourier Transform Infrared and Raman spectrometers, and equipment that uses high-performance liquid chromatography, gas chromatography, mass spectrometry, and nuclear magnetic resonance techniques. Drug checking equipment does not include the substances being analyzed, drug packaging, or drug supplies.

(c) "Drug supplies" means hypodermic needles, syringes, preparation containers, cotton, filters, alcohol wipes, water, saline, tourniquets, disposal containers, wound care items, pipes, bubbles, snorting straws, pipe covers, and other items used in the consumption of drugs;

(d) "Eligible activities" means:

(1) Purchasing, obtaining, providing, transporting, distributing, using, or evaluating the use of drug checking equipment;

(2) Training, both initial and ongoing, about drug checking equipment, the process of drug checking, and the purpose of drug checking;

(3) Technical assistance concerning drug checking equipment, the process of drug checking, and the purpose of drug checking; and

(4) Providing drug supplies.

414 New Paragraph; Controlled Drug Act; Definition of Drug Misuse Added. Amend RSA 318-B:1 by inserting after paragraph X-b the following new paragraph:

X-c. "Drug misuse" means the use of a substance for a purpose that is not consistent with legal or medical guidelines.

415 Effective Date. Sections 408 through 414 shall take effect 30 days after its passage.

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1 416 Public Health; Department of Health and Human Services; Commissioner of Health and
2 Human Services. Amend RSA 126-A:5, XIX-a(a)(1) to read as follows:

3 (1) The commissioner shall pursue contracting options to administer the state's
4 Medicaid dental program with the goals of improving access to dental care for Medicaid populations,
5 improving health outcomes for Medicaid enrollees, expanding the provider network, increasing
6 provider capacity, fostering individual behaviors that promote good oral health, and retaining
7 innovative programs that improve access and care through a value-based care model. *The*
8 *commissioner shall prepare and submit a report that contains a clinical and financial*
9 *research study to determine cost-avoidance associated with adult dental benefits under*
10 *this paragraph. The study shall consider the impact on emergency room visits, patient*
11 *infections, and any other factors the commissioner determines should be included in the*
12 *study. The commissioner shall submit their report to the chairs of the senate finance and*
13 *house finance committees on or before January 1, 2027.*

14 417 Pharmacists and Pharmacies; Pharmacies; Substituting Biological Products. Amend RSA
15 318:47-dd to read as follows:

16 318:47-dd Pharmacies; Substituting Biological Products.

17 I. In this section:

18 (a) "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine,
19 blood, blood component or derivative, allergenic product, protein (except any chemically synthesized
20 polypeptide), or analogous product, or arsphenamine or derivative of arsphenamine (or any other
21 trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or
22 condition of human beings.

23 (b) "Proper name" means the nonproprietary name for a biological product designated by
24 the federal Food and Drug Administration license for use upon each package of the product.

25 (c) "Interchangeable biological product" means a biological product that the federal Food
26 and Drug Administration:

27 (1) Has licensed and determined meets the standards for interchangeability
28 pursuant to 42 U.S.C. section 262(k)(4); or

29 (2) Has determined ***does not require an interchangeable study to be*** [is]
30 therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and
31 Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations.

32 II. The board shall maintain a link on its website to the federal Food and Drug
33 Administration's Lists of Licensed Biological Products with Reference Product Exclusivity and
34 Biosimilarity or Interchangeability Evaluations.

35 III. A pharmacist may substitute a biological product [~~pursuant to this section only if it has~~
36 ~~been licensed by the federal Food and Drug Administration as an interchangeable biological product~~]

1 for the prescribed biological product ***when it meets the definition of interchangeable biological***
2 ***product.***

3 IV. When a pharmacist dispenses an interchangeable biological product for the prescribed
4 biological product, the pharmacist or his or her designee shall inform the patient.

5 V. A pharmacist shall not substitute an interchangeable biological product pursuant to this
6 section if:

7 (a) The prescriber indicates that substitution is not authorized by specifying on the
8 prescription "medically necessary" on a paper prescription, or uses electronic indications when
9 transmitted electronically, or gives instructions when transmitted orally that the biological product
10 prescribed is medically necessary; ***or***

11 (b) ***The patient informs the pharmacist that he or she does not wish to receive***
12 ***an interchangeable biological product.***

13 VI.(a) Within 3 business days following the dispensing of a biological product, the dispensing
14 pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the
15 patient, including the name of the product and the manufacturer. The communication shall be
16 conveyed by making an entry that is electronically accessible to the prescriber through:

- 17 (1) An interoperable electronic medical records system;
18 (2) An electronic prescribing technology; or
19 (3) A pharmacy benefit management system; or
20 (4) A pharmacy record.

21 (b) Entry into an electronic records system as described in this paragraph is presumed to
22 provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product
23 dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing
24 means, provided that the communication shall not be required where:

- 25 (1) There is no federal Food and Drug Administration-approved interchangeable
26 biological product for the biological product prescribed; or
27 (2) A refill prescription is not changed from product dispensed on the prior filling of
28 the prescription.

29 VII. The label of all biological products dispensed by a pharmacist shall include the proper
30 name and the name of the manufacturer of the product.

31 418 Effective Date. Section 417 of this act shall take effect 60 days after its passage.

32 419 Appropriation; Opioid Abatement Trust Fund. Notwithstanding any other law to the
33 contrary, the sum of \$10,700,000 for the fiscal year ending June 30, 2026, and the sum of
34 \$10,700,000 for the fiscal year ending June 30, 2027, are hereby appropriated from the opioid
35 abatement trust fund, established under RSA 126-A:83, to the alcohol abuse prevention and training
36 fund, established under RSA 176-A.

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1 420 New Subparagraph; The State and Its Government; Governor's Commission on Alcohol and
2 Drug Abuse Prevention, Treatment, and Recovery; Meetings and Reports. Amend RSA 12-J:4, II by
3 inserting after subparagraph (i) the following new subparagraph:

4 (j) Specify and itemize funds spent on prevention, treatment and reduction of societal
5 and individual harm, recovery, and program monitoring and evaluation services and programs.

6 421 New Hampshire Granite Advantage Health Care Program; Funding. Amend RSA 126-
7 AA:2, I(a) to read as follows:

8 126-AA:2 New Hampshire Granite Advantage Health Care Program Established.

9 I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to
10 implement a 5-year demonstration program beginning on January 1, 2019 to create the New
11 Hampshire granite advantage health care program~~[-which shall be funded exclusively from non-~~
12 ~~general fund sources, including federal funds].~~ The commissioner shall include in an application for
13 the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver
14 of the requirement to provide 90-day retroactive coverage and a state plan amendment allowing
15 state and county correctional facilities to conduct presumptive eligibility determinations for
16 incarcerated inmates to the extent provided under federal law. To receive coverage under the
17 program, those individuals in the new adult group who are eligible for benefits shall choose coverage
18 offered by one of the managed care organizations (MCOs) awarded contracts as vendors under
19 Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage
20 available in a cost-effective manner and shall provide cost transparency measures, and ensure that
21 patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by
22 offering cash incentives and other forms of incentives to the insured by choosing preferred lower cost
23 medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based
24 pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly
25 eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting
26 a maximum amount payable for certain medical procedures.

27 422 The New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3, I
28 to read as follows:

29 I. There is hereby established the New Hampshire granite advantage health care trust fund
30 which shall be accounted for distinctly and separately from all other funds and shall be non-interest
31 bearing. The fund shall be administered by the commissioner and shall be used solely to provide
32 coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for
33 the administrative costs for the program, and reimburse the federal government for any over
34 payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually
35 appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay
36 and/or reimburse the cost of medical services and cost-effective related services, including without

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1 limitation, capitation payments to MCOs. ~~[No state general funds shall be deposited into the fund.]~~
2 Deposits into the fund shall be limited exclusively to the following:

3 (a) ~~[Repealed.]~~

4 (b) Federal Medicaid reimbursement for program costs and administrative costs
5 attributable to the program;

6 (c) Surplus funds generated as a result of MCOs managing the cost of their services
7 below the medical loss ratio established by the commissioner for the managed care program
8 beginning on July 1, 2019;

9 (d) Taxes attributable to premiums written for medical and other medical related
10 services for the newly eligible Medicaid population as provided for under this chapter, consistent
11 with RSA 400-A:32, III(b);

12 (e) Funds received from the assessment under RSA 404-G;

13 (f) Revenue from the Medicaid enhancement tax to meet the requirements provided in
14 RSA 167:64; ~~and]~~

15 (g) Funds recovered or returnable to the fund that were originally spent on the cost of
16 coverage of the granite advantage health care program~~[-];~~

17 ***(h) Revenue that is attributable to premiums received from granite advantage***
18 ***health care program enrollees; and***

19 ***(i) State general funds that have been appropriated by the general court for the***
20 ***specific purpose of funding the granite advantage health care program or approved by the***
21 ***fiscal committee and governor and council for the specific purpose of addressing a funding***
22 ***shortfall identified by the commissioner of the department of health and human services.***

23 423 The New Hampshire Granite Advantage Health Care Trust Fund. Amend the introductory
24 paragraph to RSA 126-AA:3, VI to read as follows:

25 VI. The commissioner, in accordance with the most current available information, shall be
26 responsible for determining, quarterly commencing no later than December 31, 2018, whether there
27 is sufficient funding in the fund to cover projected program costs for the nonfederal share for the
28 next 6-month period. If at any time the commissioner determines that a projected shortfall exists,
29 ~~[then the sum necessary to cover such shortfall shall be transferred to the fund from the liquor~~
30 ~~commission fund established in RSA 176:16. In the event the commissioner determines that there~~
31 ~~are not sufficient funds in the liquor commission fund to cover the shortfall,]~~ ***and the fiscal***
32 ***committee and governor and council do not authorize additional funding,*** then he or she
33 shall terminate the program in accordance with the federally approved terms and conditions issued
34 by CMS. Upon making a determination that a projected shortfall exists and ~~[that there are~~
35 ~~insufficient funds in the liquor commission fund to cover the shortfall]~~ ***if the fiscal committee and***
36 ***governor and council do not authorize additional funding,*** the commissioner shall:

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1 424 Appropriation; Granite Advantage. The sum of \$12,600,000 for the fiscal year ending June
2 30, 2026, and \$1,000,000 for the fiscal year ending June 30, 2027, is hereby appropriated to the New
3 Hampshire granite advantage health care trust fund established under RSA 126-AA:3. In the event
4 the program costs are greater than the amounts available from all sources, the commissioner may
5 request, with prior approval of the fiscal committee, that the governor and council authorize
6 additional funding. Upon fiscal committee and governor and council approval, the governor is
7 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
8 appropriated.

9 425 Repeal. RSA 176:16, III-a, relative to deposits from the liquor commission into the New
10 Hampshire granite advantage health care trust fund, is repealed.

11 426 Department of Health and Human Services; Office of Health Access; Name Change; Hiring
12 Freeze. The department of health and human services, office of health equity shall be renamed the
13 office of health access. The office shall remain in compliance with the terms of Executive Order
14 2025-02, regarding executive branch hiring for the biennium ending June 30, 2027, even if the
15 executive order is lifted. Furthermore, the office of health access shall serve every person with equal
16 dignity and respect. The office shall not contract with or pay vendors who fail to serve every person
17 with equal dignity and respect. The office and all vendors shall comply with RSA 354-B, also known
18 as the "civil rights act."

19 427 New Paragraph; Medicaid to Schools Program; Termination. Amend RSA 186-C:25 by
20 inserting after paragraph VII the following new paragraph:

21 VIII. The program shall terminate statewide if the federal government or state adopts any
22 policy contrary to a policy requiring parental control of all medical services provided to children. If a
23 local school district adopts such a contrary policy, the program shall terminate for that school only.

24 428 Lapse Extension; Department of Health and Human Services; Granite United Way. Amend
25 2023, 79:559 to read as follows:

26 79:559 Appropriation; Department of Health and Human Services. There is hereby
27 appropriated to the department of health and human services, the sum of \$2,054,360 for the fiscal
28 year ending June 30, 2023, which shall not lapse until June 30, [2025] **2027**, for the purpose of
29 Granite United Way administering the Recovery Friendly Workplace Initiative, which promotes
30 individual wellness for Granite Staters by empowering workplaces to provide support for people
31 recovering from substance use disorder. The governor is authorized to draw a warrant for said sum
32 out of any money in the treasury not otherwise appropriated.

33 428-A Effective Date. Section 428 of this act shall take effect June 20, 2025.

34 429 Department of Health and Human Services; Availability of Funds Directive. The
35 department of health and human services shall seek all available Title IV-E, Administration for
36 Children and Families funds to maximize federal participation in expenses associated with eligibility
37 screening, training, accounting, technology upgrades, and implementation of a child-centered

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1 approach to utilizing and conserving federal benefits to which children in its care might be eligible.
2 The department shall twice annually provide a detailed report of its efforts to seek such funds and
3 results of those efforts to the oversight committee on health and human services established in RSA
4 126-A:13, the senate finance and children and family law committees, the house children and family
5 law and finance committees, and the fiscal committee of the general court.

6 430 Directive; Department of Health and Human Services. The department of health and
7 human services shall serve every person with equal dignity and respect. The department shall not
8 contract with or pay vendors who fail to serve every person with equal dignity and respect. The
9 department and all vendors shall comply with RSA 354-B, also known as the "civil rights act." In
10 the event that the department determines that a contract violates the provisions of this section, it
11 shall terminate said contract in accordance with applicable law and contract provisions, and the
12 state shall be entitled to recover any funds unspent by the contractor at the time of termination.

13 431 Prescription Drug Affordability Board; Definition of Public Payor. Amend RSA 126-BB:1,
14 VI is repealed and reenacted to read as follows:

15 VI. "Public payor" means any health plan which includes coverage for prescription drugs
16 and is paid for in whole or in part by state general funds or any division of state, county, or
17 municipal government that administers a health plan for its employees or an association of state,
18 county, or municipal employers that administers a health plan for its employees. "Public payor" also
19 includes health care paid for by the department of corrections.

20 432 New Subparagraph; Prescription Drug Affordability Board; Alternate Member Added.
21 Amend RSA 126-BB:2, I by inserting after subparagraph (c) the following new subparagraph:

22 (d) One alternate appointed by the commissioner of the department of health and
23 human services selected from the advisory council established in RSA 126-BB:4. Notwithstanding
24 paragraph II, the alternate board member's term shall be coterminous with their membership on the
25 advisory council. The alternate board member may participate in deliberations of the board in the
26 event any member elects to be recused as provided in RSA 126-BB:3 or is absent.

27 433 Prescription Board Affordability Board; Chairperson. Amend RSA 126-BB:2, IV to read as
28 follows:

29 IV. The chair of the board shall be elected by an affirmative vote of at least 4 of the 5
30 members of the board ***and shall serve a 2-year term. The chair of the board shall be elected***
31 ***in odd numbered years within 3 months of submission of the annual report specified in***
32 ***RSA 126-BB:5, IV.***

33 434 Prescription Drug Affordability Board; Employee Authorization. Amend RSA 126-BB:2, VI
34 to read as follows:

35 VI. The board shall be administratively attached to the department of health and human
36 services. ~~[For a limited time,]~~ The board may employ an executive director, who shall be an
37 unclassified employee. The executive director shall be appointed by and serve at the pleasure of the

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board. ~~[Said position shall be effective for no more than 2 years following the date of hire of the individual first selected to fill the position. The board may also employ one contracted employee or more.]~~ ***The board also may employ classified or contract employees or contract for similar services,*** dependent on the availability of funds.

435 Prescription Drug Affordability Board; Competitive Bid Required. Amend RSA 126-BB:11 to read as follows:

126-BB:11 Competitive Bid Required. The contracts entered into by the board, including those for consulting services or personal contract services, shall be subject to the competitive bid process. Such contracts shall ~~[also]~~ be approved by ~~[the fiscal committee of the general court,]~~ the governor~~[,]~~ and the executive council.

436 Lapse Extension; Prescription Drug Affordability Board. Of funds appropriated to account 05-95-95-952010-6273, prescription drug affordability board, in the fiscal year ending June 30, 2025, up to \$20,000 shall be nonlapsing until June 30, 2027.

437 Effective Date. Section 436 of this act shall take effect June 30, 2025.

438 Duty of Parent; Compulsory Attendance by Pupil. Amend the introductory paragraph of RSA 193:1, I to read as follows:

I. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend ~~[the]~~ **a** public school ~~[to which the child is assigned in the child's resident district].~~ Such child shall attend full time when such school is in session unless:

439 School Attendance; Legal Residence Required. Amend RSA 193:12, III to read as follows:

III. For the purposes of this title, "legal resident" of a school district means a natural person who is domiciled in the ~~[school district]~~ **state** and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse. ~~[If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time.]~~ A person may have only one legal residence at a given time.

440 School Attendance; Legal Residence Required. Amend RSA 193:12, VI(a) to read as follows:

(a) The commissioner of the department of education, or designee, shall decide residency issues for all pupils, excluding homeless children and youths, in accordance with this section. ~~[If more than one school district is involved in a residency dispute, or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached, the commissioner of the department of education, or designee, shall make a determination within 30 days of notice of the residency dispute and such determination shall be final. If the unresolved residency dispute has resulted in an interruption of educational or related services, or such an interruption is likely to~~

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~~occur if the determination cannot be made before the expiration of 30 days, the determination shall be made within 14 days. With the agreement of the school districts involved and of the minor child's parent or legal representative, the time for determination of the residency dispute may be extended. Residency disputes may be submitted to the commissioner for determination by a school district involved in a dispute. In cases where the failure to resolve a residency dispute has resulted in or is likely to result in the interruption of educational or related services, a minor child's parent or legal representative may submit a residency dispute for determination to the commissioner. In all cases, all parties with an interest in the dispute shall be notified of the pendency of the proceedings, shall have an opportunity to review all information provided to the commissioner, and shall have an opportunity to present facts and legal arguments to the commissioner.]~~ **When addressing residency issues, the only question the commissioner shall consider is whether the child is a resident of the state.** The commissioner's decision, including a written explanation for that decision, shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education. No school district shall deny a pupil attendance or implementation of an existing individualized education program.

441 Open Enrollment Schools; Definitions; Open Enrollment Public School. Amend RSA 194-D:1, I to read as follows:

I. "Open enrollment public school" or "open enrollment school" means any public school ~~[which, in addition to providing educational services to pupils]~~ **that is currently enrolling pupils both** residing within its attendance area or district, ~~[chooses to accept]~~ **and** pupils from other attendance areas within its district and from outside its district.

442 Open Enrollment Schools; Definitions; Teacher. Amend RSA 194-D:1, IX to read as follows:

IX. "Teacher" means any individual providing or capable of providing direct instructional services to pupils, and who meets requirements prescribed in the ~~[Elementary and Secondary Education Act]~~ **Every Student Succeeds Act (ESSA) of 2015** and the Individuals With Disabilities Education Act.

443 Open Enrollment Schools; Establishment; Parental Choice; Admission. Amend RSA 194-D:2 to read as follows:

194-D:2 Establishment; Parental Choice; Admission.

I. ~~[Any school district legislative body may vote to designate one or more of its schools as an open enrollment school.]~~ **Each district legislative body shall establish an open enrollment policy to allow pupils to transfer among schools within the district, from another district in the state, or in any state that has an interstate compact with New Hampshire that does not require nonresident pupils to pay an application fee or tuition.**

II. ~~[Open enrollment schools shall operate under the same laws, rules, and policies as any other public school, except as provided in this chapter.]~~ **Each school district shall determine for each school in the district the capacity of each school and each grade level. A school**

1 *district shall post the total capacity of each individual school in the district, the capacity*
2 *of each grade level, and the number of vacancies in each individual school in the district*
3 *on the district website by the first of each month. Each school district in the state shall*
4 *report annually to the state commissioner of education the number of transfer*
5 *applications, acceptances, denials and the reason for each denial. The department of*
6 *education shall publish the data annually on its web site and provide reports to the senate*
7 *and house education committees, and the state board of education.*

8 ~~III. [No public school, except a chartered public school, shall be required to be an open~~
9 ~~enrollment school.]~~ *A parent may apply to any school or district within the state on behalf of*
10 *a pupil.*

11 ~~[IV. A school district may predetermine the number of pupils residing outside an open~~
12 ~~enrollment school's district or attendance area it deems appropriate to accept.]~~

13 ~~[V.]~~ *IV.* Applications may be made on behalf of eligible pupils to more than one ~~[open~~
14 ~~enrollment]~~ school within the state.

15 ~~[VI.]~~ *V.* Every ~~[open enrollment]~~ school shall make available information about its
16 curriculum and policies to all persons, and parents and pupils considering enrollment in that school.

17 ~~[VII.]~~ *VI.* There shall be no application fee for pupil admission to any ~~[open enrollment]~~
18 school.

19 ~~[VIII. A pupil who meets the admission requirements of an open enrollment school, and who~~
20 ~~is a resident of the district where the school is located or is a dependent child of active duty military~~
21 ~~personnel whose move resulted from military orders, shall be given absolute admission preference~~
22 ~~over a nonresident pupil. Once admitted and unless expelled, open enrollment school pupils need not~~
23 ~~reapply for admission for subsequent years.]~~

24 *VII. A pupil who is a dependent child of active duty military personnel whose move*
25 *resulted from military orders, shall be given admission preference over a nonresident*
26 *pupil. Once admitted and unless expelled, military connected students as defined in RSA*
27 *110-E:1 need not reapply for admission for subsequent years.*

28 *VIII. A school district may deny a transfer application only for the following*
29 *reasons:*

- 30 (a) *The student was expelled by the student's previous district;*
31 (b) *The student has a documented history of significant disciplinary issues;*
32 (c) *The student has a documented history of chronic absenteeism; or*
33 (d) *The receiving district does not have available capacity pursuant to this*
34 *section, provided that military connected students as defined in RSA 110-E:1 shall be*
35 *exempt from capacity limits.*

IX. *No receiving school or district shall accept or reject an applicant based upon grade or age levels, pupil needs, areas of academic focus, aptitude, academic or athletic achievement.*

X. Attendance at ~~[an open enrollment]~~ **a public** school for the purposes of transportation shall not constitute assignment under the provisions of RSA 189:6 and RSA 189:8. Pupils who reside in the school district in which the ~~[open enrollment]~~ school is located shall be provided transportation to that school by the district on the same terms and conditions as provided for in RSA 189:6 and RSA 189:8 and that transportation is provided to pupils attending other public schools within that district. However, any added costs for such transportation services shall be borne by the ~~[open enrollment]~~ school. For the purposes of open enrollment, neither the sending nor the receiving school district shall be obligated to provide transportation services for pupils attending ~~[an open enrollment]~~ **a** school outside the pupil's resident district. *The parent may provide transportation to a specific bus stop on an existing route of the receiving school or district. The district shall provide the parents with information regarding transportation options.*

~~[X.]~~ XI. Upon approval by each of the district's legislative bodies and after a public hearing, 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool for the purposes of an admissions lottery for designated open enrollment schools

~~[XI. Military-connected students as defined in RSA 110-E:1 who are the dependent children of a member of the active uniformed military services of the United States on full-time active duty status and students who are the dependent children of a member of the military reserve on active duty orders shall be eligible for admission to the school district of their choice. Students shall be eligible if:~~

~~(a) At least one parent of the student has a Department of Defense issued identification card; and~~

~~(b) At least one parent can provide evidence that he or she will be on active duty status or active duty orders, meaning the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than 30 consecutive days.~~

XII. A school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school in any school district, if the school district to which the parent of the pupil applies approves the application for transfer.]

444 Open Enrollment Schools; Funding. Amend RSA 194-D:5 to read as follows:

194-D:5 Funding.

I. There shall be no tuition charge for any pupil attending ~~[an open enrollment]~~ **a public** school ~~[located in that pupil's resident district]~~. For ~~[an open enrollment school authorized by the school district]~~ **transferring students**, the pupil's resident district shall pay to ~~[such school]~~ **the receiving district** an amount equal to not less than 80 percent of that district's average cost per

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pupil as determined by the department of education using the most recent available data as reported by the district to the department.

II. In accordance with current department of education standards, the funding and ~~[educational decision-making process]~~ **provision of services** for children with disabilities ~~[attending]~~ **transferring to** a ~~[chartered public or open enrollment]~~ school shall be the responsibility of the **resident** school district and shall retain all current options available to the parent and to the school district.

III. ~~[Any federal or other funding available in any year to a sending district shall, to the extent and in a manner acceptable to the funding source, be directed to an open enrollment school in a receiving district on an eligible per pupil basis.]~~

IV. The commissioner of the department of education shall apply for all federal funding available to open enrollment schools under ~~[the No Child Left Behind Act, Title I of the Elementary and Secondary Education Act, or other]~~ **any** federal source of funds. The commissioner shall expend any such funds received in a manner acceptable to the funding source.

V. A sending district may provide funds, services, equipment, materials, or personnel to ~~[an open enrollment]~~ **a** school, in addition to the amounts specified in this section in accordance with the policies of the sending school district.

VI. ~~[An open enrollment]~~ **A** school may accept pupils at tuition rates at less than the amounts established by this chapter.

VII. ~~[An open enrollment]~~ **A** school may receive financial aid, private gifts, grants, or revenue as if it were a school district.

445 Open Enrollment Schools; State Board; Duties. Amend RSA 194-D:7 to read as follows:

194-D:7 State Board; Duties.

I. The state board shall adopt rules, pursuant to RSA 541-A, consistent with the provisions of this chapter relative to the administration of open enrollment **in public** schools **across the state**.

II. The state board ~~[shall]~~ **may** convene one or more working committees to study and make recommendations regarding the implementation and effectiveness of open enrollment ~~[schools]~~ **policies**. The recommendations shall be provided to the legislative oversight committee in RSA ~~[194-B:21]~~ **193-C:8-a**.

446 Repeal. The following are repealed:

I. RSA 194-D:3, relative to limitations on procedure for adoption and rescission.

II. RSA 194-D:4, relative to pupil selection and enrollment.

447 Effective Date. Sections 438 through 446 of this act shall take effect January 1, 2026.

448 Department of Health and Human Services; Termination of Contracts Using Opioid Abatement Funds. The department of health and human services shall terminate all contracts, grants, or other agreements funded with opioid abatement funds with effective dates on or after May 1, 2025, for the purposes of funding provisions contained in this act.

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1 449 Department of Health and Human Services; Child Care Services. The commissioner of the
2 department of health and human services shall be responsible for determining, on an ongoing basis
3 through June 30, 2027, whether there is sufficient funding for employment-related child care
4 services to avoid a waitlist and support greater utilization of employment related child care. If at
5 any time the commissioner determines that funding is insufficient, the commissioner shall, to the
6 extent allowed by applicable federal regulations, utilize available federal Temporary Assistance to
7 Needy Families (TANF) reserve funds to cover the amount of the shortfall. The department shall
8 report quarterly to the fiscal committee of the general court on any funds expended on employment-
9 related child care services, including federal TANF funds authorized by this section.

10 450 New Paragraph; Department of Health and Human Services; Medicaid; Outpatient
11 Procedure Incentive Program. Amend RSA 126-A:3 by inserting after paragraph VIII the following
12 new paragraph:

13 IX. The department shall seek to implement in the Medicaid care management program and
14 the contractual agreements with each managed care organization an outpatient procedure incentive
15 program for Medicaid beneficiaries to choose, when clinically appropriate, to receive outpatient
16 procedures, including ambulatory surgical care, in a lower cost setting. The outpatient procedure
17 incentive program shall be included by the department in the managed care organization withhold
18 and incentive program and part of each managed care organization's member incentive program,
19 subject to federal limitations. The outpatient procedure incentive program shall be included in the
20 next contract amendment between the department and the managed care organizations after the
21 effective date of this paragraph. Within 30 days of the effective date of this paragraph, the
22 department shall submit the plan for implementation of the outpatient procedure incentive program
23 to the fiscal committee of the general court.

24 451 Tirrell House; Sale of Property. Notwithstanding RSA 10 and RSA 4:40, the commissioner
25 of the department of administrative services shall offer for sale at fair market value the Tirrell
26 House property located at 15 Brook Street, Manchester, New Hampshire. The property shall be
27 offered first to the city of Manchester and then to Hillsborough County. If neither the city nor
28 county accept the offer by January 1, 2026, the commissioner of the department of administrative
29 services shall issue a request for proposals for the sale of the Manchester property at no less than
30 the fair market value, such sale to be completed no later than June 30, 2027. The commissioner of
31 the department of administrative services shall submit quarterly reports on the progress of the sale
32 to the fiscal committee of the general court. All proceeds from the sale shall be deposited into the
33 general fund.

34 452 Anna Philbrook Center for Children; Sale of Property. Notwithstanding RSA 10 and RSA
35 4:40, the commissioner of the department of administrative services shall offer for sale at fair
36 market value the Philbrook Center for Children property located at 105 Pleasant Street, Concord,
37 New Hampshire. The property shall be offered first to the city of Concord and then to Merrimack

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County. If neither the city nor county accept the offer by January 1, 2026, the commissioner of the department of administrative services shall issue a request for proposals for the sale of the Concord property at no less than the fair market value, such sale to be completed no later than June 30, 2027. The commissioner of the department of administrative services shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court. All proceeds from the sale shall be deposited into the general fund.

453 Hampstead Hospital and Residential Treatment Facility; Sale of Property. Notwithstanding RSA 10 and RSA 4:40, the commissioner of the department of administrative services shall subdivide and offer for sale at fair market value the state-owned portions of the Hampstead Hospital property that are neither part of the Hampstead Hospital and Residential Treatment Facility nor necessary for use as the replacement facility for the Sununu Youth Services Center or other state operations, located at 218 East Road, Hampstead, New Hampshire. The property shall be offered first to the city of Hampstead and then to Rockingham County. If neither the city nor county accept the offer by January 1, 2026, the commissioner of the department of administrative services shall issue a request for proposals for the sale of the Hampstead property at no less than the fair market value, such sale to be completed no later than June 30, 2028. The commissioner of the department of administrative services shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court. All proceeds from the sale shall be deposited into the general fund.

454 Department of Health and Human Services; Medicaid Provider Rate Reduction. Notwithstanding any other provision of law, the commissioner of the department of health and human services shall reduce all Medicaid provider rates by 3 percent effective January 1, 2026. As a result of the savings achieved by implementing this section, the department shall reduce general fund appropriations by \$17,500,000 in the fiscal year ending June 30, 2026, and by \$35,000,000 in the fiscal year ending June 30, 2027. The department shall work with the department of administrative services to reduce appropriated federal funds as needed to implement this section.

455 Department of Health and Human Services; Delay of Capitation Payments. The department of health and human services shall delay the June 2027 capitation payments to Medicaid managed care organizations until the start of the state fiscal year ending June 30, 2028. As a result of implementing this section, the department shall reduce general fund appropriations by \$25,000,000 in the fiscal year ending June 30, 2027. The department shall work with the department of administrative services to reduce appropriated federal funds as needed to implement this section.

456 Administrative Charge on Dedicated Funds for Fiscal Years 2026 and 2027.

I. Notwithstanding the provisions of RSA 6:12 and any other provision of law to the contrary, for the biennium ending June 30, 2027, the department of administrative services shall assess an administrative charge of 5 percent per fiscal year on revenue deposited into a dedicated

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1 fund listed in RSA 6:12, I(b), except those funds exempted pursuant to paragraph II. Revenue
2 collected by said charge shall be deposited into the general fund as unrestricted revenue.

3 II. The following dedicated funds listed in RSA 6:12,I(b) shall be exempt from any
4 assessment made pursuant to paragraph I:

5 (a) RSA 6:12, I(b)(4), fees collected by the department of safety under RSA 107-B, which
6 shall be credited to the New Hampshire nuclear planning and response fund.

7 (b) RSA 6:12, I(b)(9), revenues from fees, rentals, and the sale of products from lands
8 under the jurisdiction of the department of natural and cultural resources, which shall be credited as
9 provided under RSA 227-G.

10 (c) RSA 6:12, I(b)(17), money received under RSA 481:32, which shall be credited to the
11 dam maintenance fund established under RSA 482:55.

12 (d) RSA 6:12, I(b)(21), money received under RSA 230:52, II, which shall be credited to
13 the division of travel and tourism development, department of business and economic affairs.

14 (e) RSA 6:12, I(b)(36), moneys received by the commissioner of the department of health
15 and human services, for the purchase of vaccines, which shall be credited to the vaccine purchase
16 fund established in RSA 141-C:17-a.

17 (f) RSA 6:12, I(b)(64), moneys deposited in the harbor dredging and pier maintenance
18 fund established in RSA 12-G:46.

19 (g) RSA 6:12, I(b)(71), funds received pursuant to RSA 6:12-b, which shall be maintained
20 pursuant to the provisions of RSA 6:12-b.

21 (h) RSA 6:12, I(b)(72), moneys deposited in the alcohol abuse prevention and treatment
22 fund established in RSA 176-A:1, as administered by the governor's commission on alcohol and drug
23 abuse prevention, treatment, and recovery in accordance with RSA 12-J:1.

24 (i) RSA 6:12, I(b)(75), moneys received for deposit in the travel and tourism development
25 fund established by RSA 12-O:16.

26 (j) RSA 6:12, I(b)(78), moneys deposited in the land conservation investment program
27 trust fund under RSA 162-C:10.

28 (k) RSA 6:12, I(b)(89), moneys deposited in the audit set aside fund under RSA 124:18.

29 (l) RSA 6:12, I(b)(90), moneys deposited in the salary adjustment fund under RSA 99:4.

30 (m) RSA 6:12, I(b)(92), moneys deposited in the 2 surplus funds under RSA 21-I:11,
31 I(a)(6)(B): the surplus distribution section administrative assessments fund and the federal surplus
32 food fund.

33 (n) RSA 6:12, I(b)(99), moneys deposited in the unemployment compensation and
34 employment service administration fund under RSA 282-A:138.

35 (o) RSA 6:12, I(b)(100), moneys deposited in the unemployment compensation fund
36 under RSA 282-A:103.

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1 (p) RSA 6:12, I(b)(115), moneys deposited in the New Hampshire excellence in higher
2 education endowment trust fund under RSA 6:38.

3 (q) RSA 6:12, I(b)(121), moneys deposited in the resident personal funds fund under RSA
4 621:30, II.

5 (r) RSA 6:12, I(b)(122), moneys deposited in the special projects fund under RSA 621:30,
6 III.

7 (s) RSA 6:12, I(b)(127), moneys deposited in the oil discharge and disposal cleanup fund
8 under RSA 146-D:3.

9 (t) RSA 6:12, I(b)(130), moneys deposited in the water pollution control and drinking
10 water revolving loan fund under RSA 486:14.

11 (u) RSA 6:12, I(b)(155), moneys deposited in the highway and bridge betterment account
12 under RSA 235:23-a.

13 (v) RSA 6:12, I(b)(158), moneys deposited in the turnpike system revenue and reserve
14 accounts under the November 9, 1987 bond resolution.

15 (w) RSA 6:12, I(b)(163), moneys deposited in the prepaid fish and game license fund
16 under RSA 214:9-c, IV and RSA 214:9-cc, IV.

17 (x) RSA 6:12, I(b)(167), funds received pursuant to RSA 6:12-c, which shall be
18 maintained under the terms of the referenced trust or agency fund.

19 (y) RSA 6:12, I(b)(168), funds received pursuant to RSA 6:12-d, which shall be
20 maintained under the terms of the referenced custodial or escrow account.

21 (z) RSA 6:12, I(b)(174), moneys deposited in the dependent children support enforcement
22 administrative expense account under RSA 161-C:25.

23 (aa) RSA 6:12, I(b)(190), moneys deposited in the supply depot inventory account under
24 RSA 219:21, II.

25 (bb) RSA 6:12, I(b)(192), moneys deposited in the land and community heritage
26 investment program administrative fund under RSA 227-M:7-a.

27 (cc) RSA 6:12, I(b)(200), moneys deposited in the tri-state lotto prize account under RSA
28 287-F:9.

29 (dd) RSA 6:12, I(b)(207), moneys deposited in the employee benefit adjustment account
30 under RSA 9:17-c.

31 (ee) RSA 6:12, I(b)(226), moneys deposited in the election fund under RSA 5:6-d.

32 (ff) RSA 6:12, I(b)(253), moneys deposited in the renewable energy fund established
33 under RSA 362-F:10.

34 (gg) RSA 6:12, I(b)(257), all funds deposited in the employee and retiree benefit risk
35 management fund established pursuant to RSA 21-I:30-e.

36 (hh) RSA 6:12, I(b)(275), moneys deposited in the Pease development authority ports
37 and harbors fund established in RSA 12-G:37.

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(ii) RSA 6:12, I(b)(307), moneys deposited in the department of labor restricted fund established in RSA 273:1-b.

(jj) RSA 6:12, I(b)(336), moneys deposited into the governor's scholarship fund established in RSA 195-H:12.

(kk) RSA 6:12, I(b)(338), moneys deposited in the uncompensated care and Medicaid fund established in RSA 167:64, I.

(ll) RSA 6:12, I(b)(343), moneys deposited in the New Hampshire granite advantage health care trust fund under RSA 126-AA:3.

(mm) RSA 6:12, I(b)(352), moneys deposited in the developmental services fund established under RSA 171-A:8-b, I.

(nn) RSA 6:12, I(b)(353), money deposited in the acquired brain disorder services fund established under RSA 171-A:8-b, II.

(oo) RSA 6:12, I(b)(354), money deposited in the in-home support waiver fund established under RSA 171-A:8-b, III.

(pp) RSA 6:12, I(b)(360), moneys deposited in the opioid abatement trust fund, established in RSA 126-A:83.

(qq) RSA 6:12, I(b)(363), moneys deposited in the New Hampshire health professionals' program administration fund established in RSA 310-A:1-e, I-a.

(rr) RSA 6:12, I(b)(369), moneys deposited in the meals and rooms municipal revenue fund established in RSA 78-A:26, IV.

(ss) RSA 6:12, I(b)(377), moneys deposited in the forest protection personnel training fund under RSA 227-G:5, III.

457 Department of Health and Human Services; Individuals with Developmental Disabilities; Funding for Recreational Services. Amend 2024, 376:4, V to read as follows:

V. Payment for recreational **and socialization** services shall be limited to [~~\$600~~] **\$595** per individual.

458 Appropriation; Lapse Date. Amend 2024, 376:4, II, to read as follows:

II. In order to ensure that costs to access recreational **and socialization** services are covered, and that individuals with developmental disabilities are able to participate in recreational **and socialization** activities within their communities, the sum of \$500,000 is appropriated to the department of health and human services for the biennium ending June 30, 2025. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, [~~2025~~] **2027**.

459 New Section; Recreational Services Special Fund. Amend RSA 171-A by inserting after section 33 the following new section:

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1 174-A:34 Purpose; Establishment of the Recreational Services Special Fund.

2 I. There is hereby established a fund designated as the recreational and socialization
3 services fund to provide financial support for recreational and socialization services for individuals
4 with developmental disabilities. The fund shall accept donations, grants, and contributions.
5 Notwithstanding RSA 287-D:1, IV and RSA 287-E:1, V, the administrator of the fund shall be
6 recognized as a charitable organization for the purpose of qualifying for a charitable organization
7 license for games of chance, bingo, and lucky-7

8 II. The fund shall be administered by the department of health and human services and
9 used exclusively for providing or supporting recreational and socialization services for individuals
10 with developmental disabilities.

11 III. Donations to the fund shall be deposited into a nonlapsing account, continuously
12 appropriated to the department of health and human services, and unspent funds shall not lapse but
13 shall remain available for their designated purpose in subsequent fiscal years.

14 IV. The recreational and socialization services fund is hereby authorized to participate as a
15 charity eligible to receive contributions from gaming facilities licensed under RSA 287-D and RSA
16 287-E.

17 460 New Subparagraphs; Application of Receipts; Recreational and Socialization Services Fund.
18 Amend RSA 6:12, I(b) by inserting after subparagraph (399) the following new subparagraphs:

19 (400) Moneys deposited in the recreational and socialization services fund
20 established in RSA 174-A:34.

21 461 Historic Horse Racing Facilities and Machines; Charitable Organization Designation.
22 Notwithstanding any general or special law to the contrary, any person, association, corporation, or
23 any other type of entity licensed by the lottery commission to hold any live running or harness race
24 or meet, offer wagers on historic horse races, or conduct any simulcast running or harness horse race
25 or meet, at which pari-mutuel pools are sold, shall be considered a charitable organization as defined
26 in RSA 287-A:1, II.

27 462 Effective Date. Section 458 of this act shall take effect June 30, 2025.

28 463 New Subdivision; Prohibition on Diversity, Equity, and Inclusion. Amend RSA 21-I by
29 inserting after section 111 the following new subdivision:

Prohibition on Diversity, Equity, and Inclusion

31 21-I:112 Definitions. In this subdivision:

32 I. "Agency" means any department, office, commission, board, subdivision, or other unit,
33 however designated, of the executive branch of state government.

34 II. "Diversity, equity, and inclusion" or "DEI" shall mean any program, policy, training, or
35 initiative that classifies individuals based on race, sex, ethnicity, or other group characteristics for
36 the purpose of achieving demographic outcomes, rather than treating individuals equally under the
37 law.

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1 III. "Political subdivision" means any village district, school district, town, city, county, or
2 unincorporated place in the state.

3 21-I:113 Prohibition on DEI Initiatives. No public entity shall implement, promote, or otherwise
4 engage in any DEI-related initiatives, programs, training, or policies. No state funds shall be
5 expended for DEI-related activities, including but not limited to implicit bias training, DEI
6 assessments, critical race theory, or race-based hiring, promotion, or contracting preferences.

7 21-I:114 Prohibition on DEI-Related Contract Provisions. No agencies or political subdivisions
8 shall enter into or renew any contract that includes DEI-related provisions, including requirements
9 for contractors to implement DEI programs, conduct DEI training, or comply with DEI-related
10 reporting obligations.

11 21-I:115 Review of Agency Contracts for DEI-Related Contract Provisions. Each state agency
12 shall, no later than October 1, 2025, submit to the department of administrative services a report
13 identifying all contracts under its control that include DEI-related provisions. The report shall
14 include descriptions of each contract, the specific DEI-related provisions contained therein, and the
15 total financial obligation associated with each contract. The department shall combine and submit a
16 consolidated report to the governor, speaker of the house of representatives, and the president of the
17 senate.

18 21-I:116 Review of Political Subdivision DEI-Related Contract Provisions. The department of
19 justice shall establish a process by which all political subdivisions review their existing contracts for
20 the presence of DEI-related provisions.

21 464 New Subdivision; Prohibition on Diversity, Equity, and Inclusion in Public Schools. Amend
22 RSA 186 by inserting after section 70 the following new subdivision:

23 Prohibition on Diversity, Equity, and Inclusion in Public Schools

24 186:71 Definitions. In this subdivision:

25 I. "Diversity, equity, and inclusion" or "DEI" shall mean any program, policy, training, or
26 initiative that classifies individuals based on race, sex, ethnicity, or other group characteristics for
27 the purpose of achieving demographic outcomes, rather than treating individuals equally under the
28 law.

29 II. "Public school" means any school, academic institution, or institution of higher education
30 in this state supported by public funds.

31 186:72 Prohibition on DEI Initiatives. No public school shall implement, promote, or otherwise
32 engage in any DEI-related initiatives, programs, training, or policies. No state funds shall be
33 expended to public schools for DEI-related activities, including but not limited to implicit bias
34 training, DEI assessments, critical race theory, or race-based hiring, promotion, or contracting
35 preferences. This prohibition shall extend to any public school as defined in RSA 186:71, II.

36 186:73 Prohibition on DEI-Related Contract Provisions. No public school shall enter into,
37 renew, or amend any contract that includes DEI-related provisions, including requirements for

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1 contractors to implement DEI programs, conduct DEI training, or comply with DEI-related reporting
2 obligations.

3 186:74 Review of Public School Contracts for DEI-Related Contract Provisions. No later than
4 October 1, 2025, the commissioner of the department of education shall submit a single report to the
5 senate education, senate education finance, house education funding, and house education policy and
6 administration committees of the general court identifying all existing contracts containing DEI-
7 related provisions in public schools. The report shall include contract descriptions, the specific DEI-
8 related provisions, and the total financial obligation associated with each contract.

9 186:75 Review of Public School DEI-Related Contract Provisions.

10 I. The commissioner of the department of education shall establish a process by which all
11 public schools shall conduct a review of existing contracts for the presence of DEI-related provisions.

12 II. No later than September 30, 2025, each public school shall submit a signed and certified
13 report to the commissioner of the department of education identifying any contract containing DEI-
14 related provisions. The report shall include contract descriptions, the specific DEI-related
15 provisions, and the total financial obligation associated with each contract.

16 186:76 Final Compliance Report. The commissioner of the department of education shall submit
17 a final compliance report to the governor, executive council, and the senate education, senate
18 education finance, house education funding, and house education policy and administration
19 committees of the general court by April 1, 2026, detailing the progress of public schools in
20 eliminating DEI-related provisions from contracts.

21 187:77 Interpretation and Compliance.

22 I. Should a public school fail to abide by any section of this subdivision, either knowingly or
23 unknowingly, the commissioner of the department of education shall immediately halt all sources of
24 public funding to that public school, until such time as the school comes into compliance with all
25 sections of this subdivision.

26 II. The commissioner of the department of education shall notify the state treasurer if a
27 public school is not in compliance with this subdivision, at which time the treasurer shall halt all
28 forms of public funding to the school until the commissioner has certified the school come into
29 compliance with this subdivision.

30 465 Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1,
31 2025.

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2025-1484h

AMENDED ANALYSIS

This bill:

1. Adds new definitions to the endangered species conservation act.
2. 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.
3. 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.
4. 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.
5. Requires the department of environmental services to adopt rules regarding when mitigation payments to the threatened and endangered species compensatory mitigation fund are required.
6. Modifies the definition of “environmental review” as it relates to native plant protection.
7. 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.
8. Requires the department of environmental services to adopt rules to establish a process for requesting a screening and environmental review process.
9. 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.
10. 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.
11. Defines “boathouse” and “structural height” in the context of fill and dredge in wetlands statutes.
12. 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.
13. Prevents the department of environmental services from issuing 40-day extension periods on excavation or dredging permit applications.
14. Raising the fees associated with shoreline terrain alteration applications and raising fees annually to coincide with inflation.
15. Establishes fees for applications for terrain alteration and requires the department of environmental services to adopt rules to establish a permit by notification for certain projects with plans encompassing an area less than 150,000 square feet.
16. Establishes structural requirements for existing and new boathouses located over public waters and penalties for violation thereof.

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17. Requires school districts to adopt policies governing student cell phone use in schools.
18. 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.
19. Defines "eligible student" for the purposes of enrollment in the education freedom account program.
20. 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."
21. Allows municipalities to authorize gaming facilities to operate continuously for 24 hours per day; and prevents a maximum wager limit for certain games of chance.
22. Establishes a video lottery tax at a rate of 30 percent on video lottery terminals.
23. Provides that the general court may appropriate funds from the opioid abatement trust fund to the department of safety for law enforcement activities related to substance abuse prevention, including overtime costs, for officers in the northern part of the state.
24. Revises certain staffing and office requirements for the board of tax and land appeals.
25. Establishes the division of planning and community development in the department of business and economic affairs.
26. 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.
27. Repeals the commission on aging.
28. Provides budget transfer authority to the department of corrections.
29. Extends the prospective repeal certain eligibility criteria for mental health services.
30. Suspends graduate medical eligibility payments for the biennium.
31. 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.
32. 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.
33. Suspends the WIC Farmers' Market Nutrition Program for the biennium pending sufficient funding.
34. Permits the department of health and human services to accept gifts for the benefit of the department.
35. Establishes certain unclassified positions within the department of health and human services.

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36. Suspends congregate housing services for the biennium.
37. Revises criteria for pharmacists filling name brand and generic drug prescriptions under the Medicaid program.
38. Extends a prior appropriation for the pilot program for young adults with developmental disabilities.
39. Extends the effective date for expanded access to court-appointed counsel for children in dependency proceedings, establishes 3 staff attorney positions in the department of health and human services, and identifies funds appropriated to the department for this purpose.
40. Directs the department of health and human services to file an amendment to the state Medicaid plan regarding prescription drug copayments.
41. 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.
42. 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.
43. 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.
44. Directs the department of health and human services to restore income verification for Medicaid redetermination to pre-public health emergency income verification standards.
45. Authorizes an additional appropriation to department of health and human services if such funds are required to prevent a waitlist for child care scholarships.
46. Amends the title of certain positions in the department of information technology.
47. Revises the organizational structure of the bureaus within the department of justice, division of legal counsel.
48. Transfers any excess balances related to administration and enforcement expenses of racing and charitable gaming to an accounting unit in the department of education for distributing state adequacy grants to public school districts and repeals certain purposes for which money in the education trust fund may be used.
49. Clarifies the means of calculating average daily membership in attendance for the Virtual Learning Academy Charter School.
50. Authorizes the state board of education to modify determinations of education adequacy grant amounts.
51. Changes the process through which counsel for indigent defendants may apply for reimbursement for services necessary to an adequate defense.
52. Makes changes to the wage claim settlement account fund.

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53. Updates the composition and confidentiality of records of the workers compensation appeals board.
54. Changes the process for awarding of elevator inspection certificates.
55. Expands the authority of the labor commissioner to impose civil penalties.
56. Authorizes appeals of certain decisions by the labor commissioner.
57. Establishes the wage claim settlement fund.
58. Changes the number of members on the workers' compensation appeals board and makes changes in the proceedings.
59. Implements a fee for unit owners to obtain a certificate of successful inspection of an elevator or accessibility lift.
60. 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.
61. Allows for a hearing where the commissioner of labor denies reimbursement for payment for second injuries under the workers compensation law.
62. 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.
63. Provides that the funds in accounting unit 1051 shall not lapse until June 30, 2027.
64. 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.
65. Allows the department of safety to disseminate driver history records to federal entities or their authorized agents in certain circumstances.
66. Designates the hazardous materials incident response coordinator as group II retirement-eligible during full-time service.
67. Clarifies the division of fire standards and training and emergency medical services policy regarding the use of properly equipped vehicles to transport sick or injured individuals; removes a reference to licensing of wheelchair vans and emergency medical dispatchers by the division; and repeals a requirement that the division establish an emergency communications network as such responsibility is handled by other state entities.
68. Lapses funds for continued operation of the Cannon Mountain tramway.
69. Repeals the Benjamin Thompson trust fund.
70. Prevents the lapse of two revolving fund class lines in the operating budget.
71. Repeals revenue sharing with cities and towns under RSA 31-A.
72. Repeals certain wastewater state aid grants.
73. Further specifies information required for well monitoring reports.

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74. Eliminates certain fees for the construction of sewerage systems.

75. Repeals the aquatic invasive species decal.

76. Allows the department of environmental services to 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, Horn Pond Dam, and Souhegan Site #35 for the consideration of \$1.

77. Expands the type of educational degree a person may have to serve as a division director for the department of environmental services.

78. Varies the types of experience in public health members of the air resources council may have.

79. Reconfigures some criteria to serve on the waste management council.

80. Reconfigures some criteria to serve on the wetlands council.

81. Increases dam registration fees and sewage disposal fees.

82. Allows all such moneys in excess of \$100,000 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.

83. 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.

84. 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.

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

86. 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.

87. Increases the maximum ticket price for lottery drawings.

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

89. Transfers authority for the appointment of certain inspectors from the office of professional licensure and certification to the department of safety.

90. Makes various changes regarding the regulation of barbering, cosmetology, esthetics, and related shops and schools.

91. Increases fees for assorted pesticide product applications, registrations, licenses, and permits.

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92. Increases fees for assorted agricultural-services product applications, registrations, licenses, and permits.
93. Increasing fees relative to certain agricultural product permits, goods, and licenses.
94. Changes the weights and measures device license fees and requires certain registered service agencies to pay a \$250 registration fee.
95. Creates the "Love NH Lakes" number plate and directs that the residual amount of the special fee for the plate and royalties and proceeds from the commercial use of its design be deposited in the cyanobacteria mitigation loan and grant fund.
96. Increases the import fee for automotive oil.
97. Raises fees for the hazardous waste generator self-certification program.
98. Increases fees for certain hazardous waste generators.
99. Creates a solid waste disposal surcharge at landfills, incinerators, and waste-to-energy facilities and creates civil penalties for violations of solid waste management fund statutes.
100. Increases the fee for the application for initial or renewal of a hazardous waste coordinators certification.
101. Requires the department to modify rules to avoid significant harms to human health and the environment, and changes the enabling statute of the department of environmental services solid waste division to require the department to consider health and the environment when making future rules.
102. Increases the boat decal fee.
103. Raises the per diem rate for the public employee labor relations board.
104. Eliminates mandatory surcharges for civil case filings and allows the supreme court to establish rules regarding equitable fee schedules for imposed fines and service charges on credit card payments.
105. Makes changes to the minimum electric renewable portfolio standards.
106. Revises the state energy policy to promote affordable, reliable, diverse, and secure energy resources for the health, safety, and welfare of its citizens.
107. Adds a requirement that until the Sununu Youth Services Center is relinquished, the department of administrative services shall request an appropriation, subject to the approval from the fiscal committee and the governor and executive council, funds necessary to maintain the property.
108. Allows general funds to be used to support activities and infrastructure at a facility that replaces the Sununu Youth Services Center.
109. Requires that any attorney's fee approved for a claim that is to be paid according to a periodic payment schedule also be paid according to that periodic payment schedule.

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110. Makes appropriations to the youth development center settlement fund. Sets aside \$10 million pursuant to the state's settlement agreement with plaintiff Michael Gilpatrick in Michael Gilpatrick v. N.H. D.H.H.S, et al.

111. Repeals the division of the arts in the department of natural and cultural resources.

112. Establishes limitations on the percentages of grant-in-aid funds administered by the department of natural and cultural resources, division of parks and recreation, bureau of trails, and the rivers council for the development and maintenance of OHRV (off-highway recreational vehicle) trails on private, municipal, state, or federal lands.

113. Includes operations and initiatives of the Hampton Beach commission as permissible expenses to be paid from the Hampton Beach master plan fund.

114. Suspends the portion of meals and rooms tax revenue credited to the department of business and economic affairs, division of travel and tourism for the biennium ending June 30, 2027.

115. Requires the department of transportation to sell or lease certain rest areas and welcome centers to private entities by July 1, 2026.

116. Authorizes the state treasurer to appoint assistant state treasurers.

117. Suspends deposits into the meals and rooms municipal revenue fund for the biennium ending June 30, 2027.

118. Transfers any uncommitted moneys from the governor's scholarship fund to the general fund.

119. Eliminates the office of the child advocate.

120. Establishes a group III, defined contribution state retirement plan for new state employee members of the retirement system, who begin service on or after January 1, 2026. All new employees of state employers on and after January 1, 2026 will be required to join the group III defined contribution plan as administered by the retirement system, and any other group I employees may join.

121. Eliminates the enforcement division of the liquor commission.

122. Repeals the repeal of certain provisions related to the right-to-know ombudsman and administratively attaches the ombudsman to the office of state and public sector labor relations.

123. Allows any magistrate appointed before January 31, 2025, to continue to exercise the duties of a magistrate until the end of their term of employment, but no later than January 1, 2030, provided that such magistrate shall not conduct bail hearings or make bail determinations.

124. Consolidates the business and commercial dispute docket and the land use review docket of the superior court into one commercial court docket.

125. Abolishes the human rights commission and reassigns cases formerly under their jurisdiction to the superior court.

126. Abolishes the board of land and tax appeals and assigns cases formerly under their jurisdiction to the commercial court docket.

127. Abolishes the housing appeals board.

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128. Repeals the requirement that the state engage in certain outreach and marketing activities to increase awareness of the Granite State paid family leave plan.

129. Creates the office of state and public sector labor relations.

130. This bill adds the expiration of the term of the lease or tenancy if over 6 months as grounds for an eviction.

131. Allows alternative treatment centers to operate for-profit.

132. Creates the "partners in housing" program, an initiative under the housing champions fund to assist municipalities, counties, and developers in building modestly priced housing on municipally or county-owned land that is suitable for development.

133. Abolishes the repayment requirement and recoupment procedures for indigent criminal defendants who are appointed counsel.

134. Changes the calculation of costs of an opportunity for an adequate education, extraordinary need grants, and determination of education grants.

135. Establishes fiscal capacity disparity aid grants.

136. Requires schools to use the state's assessment portal when implementing the competency assessment of United States government and civics.

137. Lapses funding appropriated to computer science professional development.

138. Amends various motor vehicle fees.

139. Increases the vanity plate service and renewal fees to \$60.

140. Require nonresident drivers who establish residency in New Hampshire to notify the department of safety if they then cease to become residents within 60 days, or if their out of state driver's license expires or is relinquished.

141. Specifies when the division of motor vehicles shall send violation notices.

142. Removes the requirement for physical safety inspections and on-board diagnostic tests for passenger vehicles and eliminates funding for the motor vehicle air pollution abatement fund.

143. Requiring public-private transportation partnership agreements utilizing state or federal funds to be approved in the 10-year transportation plan and directing that state revenue and proceeds obtained from any partnership be credited to the department of transportation.

144. Allows the fish and game department to conduct raffles, increases the fisheries habitat fee, and directs certain moneys into the fish and game fund.

145. Clarifies group II membership for certain positions with the division of fire safety.

146. Repeals the local option allowing cities and towns to vote to allow the operation of keno games in their communities.

147. Establishes a tax cap for local school districts.

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148. Removes the requirement to get approval from the fiscal committee of the general court for public school infrastructure grants.

149. Allows the state board of education to use office of legislative budget assistant audits to satisfy statutory audit and reporting requirements.

150. Removes the requirement that catastrophic special education funds be prorated among the school districts entitled to such aid and requires that disbursements for special education to a school district shall be at least 80 percent of the district's entitlement in the fiscal year.

151. Amends the appropriation regarding special education aid.

152. Makes changes to the New Hampshire excellence in higher education endowment trust fund.

153. Directs the department of health and human services not to enroll any new participants into the state loan repayment program or the biennium ending June 30, 2027.

154. Requires the department of health and human services to include references to the patients' bill of rights in contracts and contract addenda.

155. Adds an aggregate credits to be allocated among the counties based upon their relative proportional share of certain overpayments in fiscal year 2020 and fiscal year 2021.

156. Excludes coverage for circumcision under the state Medicaid plan unless the child has a specific diagnosis for which the procedure is determined to be medically necessary.

157. This bill repeals reimbursement of funds for the foster grandparent program.

158. Repeals the disbursement from the liquor commission to the alcohol abuse prevention and training fund.

159. Requires the department of health and human services to accelerate the implementation of home dialysis.

160. Removes the reallocation of unused funds education freedom account funds to help fund other education freedom accounts.

161. Provides a terms for how previously retired public employees may reenter state service.

162. Exempts ambulatory surgical centers, emergency medical care centers, birthing centers, drop-in or walk-in care centers, dialysis centers, and special health care services from the notice and consent requirements for establishment within 15 miles of a critical access hospital.

163. Defines harm reduction and drug misuse for purposes of alcohol and drug misuse treatment and prevention and establishes a substance use disorder access point program.

164. Requires the commissioner of the department of health and human services to submit a report to the general court that contains a clinical and financial research study concerning adult dental benefits.

165. Modifies the definition of "interchangeable biological product" and allows for interchangeable biological products to be provided by pharmacists subject to certain restrictions.

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166. Transfers funds from the opioid abatement trust fund to the alcohol abuse prevention and training fund.

167. Requires the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to specify and itemize funds spent on prevention, treatment and reduction of societal and individual harm, recovery, and program monitoring and evaluation services and programs.

168. Repeals the prohibition on the use of general funds for the granite advantage program and removes the provision requiring the liquor commission to make up for any short fall in the program.

169. Directs the department of health and human services to rename the office of health equity as the office of health access and directs the office to comply with the hiring freeze in Executive Order 2025-02 for the biennium ending June 30, 2027.

170. Provides for the termination of the Medicaid to schools program under certain circumstances.

171. Extends a prior appropriation to the department of health and human services for administration of a substance use disorder recovery initiative by Granite United Way.

172. Mandates that the department of health and human services seek all available Title IV-E, Administration for Children and Families funds to maximize benefits for children in its care.

173. Directs the department of health and human services to serve every person with equal dignity and respect and to not contract with or pay vendors who fail to serve every person with equal dignity and respect.

174. Redefines public payor for purposes of the prescription drug affordability board, adds an alternate member to the board from the board's advisory council; revises competitive bidding procedures, authorizes staffing subject to available funding, and extends a prior appropriation of up to \$20,000 to the board.

175. Allows parents to send their children to public schools outside of their resident district.

176. Directs the department of health and human services to terminate all contracts, grants, or other agreements funded with opioid abatement funds with effective dates on or after May 1, 2025, for the purposes of funding provisions contained in this act.

177. Allows the department of health and human services' chief medical officer to place standing orders for certain Medicaid covered over-the-counter (non-legend) medications, medical supplies, and laboratory tests.

178. Directs the department of health and human services to use TANF funds to cover any shortfall in funding for employment-related child care services in order to prevent a waitlist.

179. Directs the department of health and human services to seek to implement an outpatient procedure incentive program under Medicaid managed care, to encourage Medicaid beneficiaries to choose to receive outpatient procedures, including ambulatory surgical care, from the lower cost provider when clinically appropriate.

180. Requires the sale of the Tirrell House property in Manchester, New Hampshire.

181. Requires the sale of the Anna Philbrook Center in Concord, NH.

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182. Requires the subdivision and sale of portions of the Hampstead Hospital property in Hampstead, New Hampshire, excluding those portions used as the replacement facility for the Sununu Youth Services Center and Hampstead Hospital and Residential Treatment Facility, and those used for any state operations.

183. Directs the department of health and human services to reduce Medicaid provider rates and to use the resulting savings to reduce department appropriations by a specified amount in each year of the biennium.

184. Delays the June 2027 capitation payments to Medicaid managed care organizations until fiscal year 2028 and directs the department of health and human services to use the resulting savings to reduce department appropriations by a specified amount for the fiscal year ending June 30, 2027.

185. Directs the department of administrative services to assess, with certain exceptions, an administrative charge on dedicated funds and accounts for the biennium ending June 30, 2027.

186. Establishes a recreational and socialization services special fund to support recreational services for individuals with developmental disabilities, sets the payment limit for such services at \$595 per individual, and extends the lapse of a prior appropriation to the department of health and human services for this purpose.

187. Makes the administrator of the recreational and socialization services fund and persons or entities with historic horse racing operations licenses charitable organizations.

188. Prohibits all public entities from implementing, promoting, or otherwise engaging in any diversity, equity, and inclusion DEI-related initiatives, programs, training, or policies; requires each agency to report such contracts to the department of administrative services, which shall compile a consolidated report for submission to the governor, speaker of the house of representatives, and senate president; and provides for the amendment (i.e., removing DEI-related provisions) of non-compliant contracts.

189. Prohibits all public schools from implementing, promoting, or otherwise engaging in any DEI-related initiatives, programs, training, or policies and provides processes for the review and termination or amendment of non-compliant contracts and provides for funding halts in the event of a violation.