HOUSE BILL 1234-FN-A

AN ACT relative to state and local government administration.

SPONSORS: Rep. Wallner, Merr. 10; Sen. D'Allesandro, Dist 20

COMMITTEE: Finance

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of administrative services for the purpose of replacing heating systems in state-owned buildings in Concord that formerly used Concord Steam. The bill also extends a prior appropriation to the state heating system savings account.

II. Clarifies the timeline for declarations of candidacy of charter commission members.

III. Exempts statewide standards and protocols relative to information technology, networks, telephony, and cyber security developed by the department of information technology in consultation with the information technology council from rulemaking under RSA 541-A.

IV. Requires the quarterly report of the retirement system's independent investment committee to include a description of investment fees and requires independent investment committee reports to be available on the retirement system's Internet website.

V. Makes a technical correction in the law governing death benefits for emergency medical technicians and rescue squad members and clarifies the definition of "rescue squad member."

VI. Revises the rulemaking requirements for forms under the administrative procedure act.

VII. Clarifies the qualifications of the banking department commissioner and deputy commissioner, permits certain consumer complaints to be submitted via email, and defines "nationwide multistate licensing system and registry."

VIII. Creates a database for animal health records; authorizes the commissioner of the department of agriculture, markets, and foods to transfer money from certain funds; establishes a fee on the submission of animal health certificates; establishes a fee on rabies vaccinations; and requires veterinarians to send a copy of the rabies vaccination certificate to the department of agriculture, markets, and food.

IX. Requires banks to pay the cost of background investigations and criminal history records checks, requires trust company directors to submit to such checks, and provides for the removal of trust company directors and officers by the bank commissioner.

X. Establishes a solid waste working group on solid waste management planning.
XI. Requires the department of environmental services to make certain rules regarding compost.

XII. Ratifies certain amendments to the state building code and state fire code.

XIII. Allows for a vote for accepting operation of sports book retail locations by a city at the state primary election.

XIV. Deletes the authority of the Woodville fire district over highways within the district; requires the town of Haverill to assume responsibility for the care and maintenance of roads within the Woodville fire district; and requires the Woodville fire district to provide a financial audit of all funds received from the town of Haverhill.

XV. Allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee.

XVI. Adds a member to the advisory council on career and technical education and requires the state board of education to adopt rules establishing requirements for a career readiness credential.

XVII. Provides that the change to the quorum for the Pease development authority board of directors made pursuant to HB 243 (2019, 256) shall not take effect on April 30, 2021. The quorum required under current law shall remain unchanged.

XVIII. Establishes the lakes region development authority to implement the redevelopment master plan prepared by the lakeshore redevelopment planning commission. The authority is repealed in 2026.

XIX. Amends the charter of the Brewster Academy by increasing the membership on the Brewster Academy board of trustees and allows Brewster Academy to amend its charter in accordance with the provisions of RSA 292:7 governing the powers of voluntary corporations.

XX. Makes changes to the statutes governing the administration of estates and the distribution of intestate estates, and revises the statute governing powers of attorney.

XXI. Reenacts RSA 563-B, the Uniform Disclaimer of Property Interests Act and removes the 9-month time limit for disclaimers, expands the prior definition of “disclaimer” to include a broader range of property, provides further instructions for when a disclaimer is delivered and under what circumstances it becomes effective, clarifies the result of refusing property or powers through a disclaimer, creates rules for several types of disclaimers, provides rules for the disclaimer of powers held in a fiduciary capacity, specifically allowing a partial disclaimer of an interest in property, and clarifies that the disclaimed interest passes without direction by the disclaimant.

XXII. Requires the public utilities commission to assess certain costs of participation in regional activities to gas and electric distribution utilities.

XXIII. Revises the formula for term alimony based on the fact that under current federal income tax laws, alimony is not deductible to the payor and taxable to the payee. The bill adjusts the formula if such a deduction is permitted in the future and explicitly provides that consideration of federal income tax consequences may warrant adjustment to the amount of term alimony.

XXIV. Authorizes higher educational institutions to contract with a third party to grow or cultivate industrial hemp.

XXV. Provides that a claimant denied compensation by the victims' assistance commission may appeal such decision to the attorney general.

XXVI. Establishes a statewide solid waste disposal reduction goal and revises requirements relative to the state solid waste plan.
XXVII. Repeals the emergency medical services personnel licensure interstate compact.

XXIII. Decreases the filing fee for petitions for a declaratory ruling in energy facility siting administrative proceedings.

XXIX. Makes technical changes concerning the definition of antique snowmobile, water quality rules, and asbestos management fines.

XXX. Allows alcohol and drug free recovery houses to be granted an exemption by the state fire marshal for requirements of the state fire code and local amendments.

XXXI. Sets the alternative compliance payment at $55 per megawatt hour to the renewable energy fund for electric distribution utility requirements not satisfied by renewable energy credits; and changes the rate adjustments for certain class obligations.

XXXII. Allows for the sale of products made with raw milk in certain circumstances.

XXXIII. Requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

XXXIV. Permits capital reserve funds of counties, towns, districts, and water departments to be used for financing the cost of leases of equipment.

XXXV. Establishes the use by electric utility customers and regulation by the public utilities commission of customer installed behind-the-meter electrical energy storage systems.

XXXVI. Adds and modifies definitions and requirements in the meals and rooms tax to include facilitators of Internet transactions of motor vehicle rentals.

XXXVII. Requires payment of an Internet transaction fee for any OHRV or snowmobile license, registration, or permit issued online; and specifies OHRV and snowmobile registration fees to be paid by a business entity that will use the OHRV or snowmobile for business purposes only.

XXXVIII. Allows founding organizations of existing pooled risk management programs to obtain certain coverage through the risk pool if the governing board approves their participation.

XXXIX. Provides that the formula used by the department of revenue administration and current use board to determine current use tax rates shall not be considered confidential and shall be available to the public.

XL. Establishes an exception to allow certain hydroelectric generators to participate in net metering as a customer-generator.

XLI. Clarifies the use of force at New Hampshire national guard facilities.

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

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

1 Appropriation; Department of Administrative Services; Replacement of Heating Systems in Certain State-Owned Buildings. The sum of $2,016,343 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 2020, for the purpose of the purchase and replacement of all systems providing heat to state-owned facilities located in downtown Concord that were obtaining steam from Concord Steam corporation, including, but not limited to, system design, construction, hazardous material remediation, and project administration and management, as required. The project shall be managed by the division of public works design and construction and funds may be expended to fund any temporary personnel for the purpose of project administration, management, or clerk of the works. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated, and said funds shall not lapse until June 30, 2021.

2 Department of Administrative Services; Heating System Savings Account. Amend RSA 21-I:19-ff to read as follows:

21-I:19-ff State Heating System Savings Account. There is hereby established the state heating system savings account for the transfer of unexpended state heating system appropriations due to reduced heating system costs resulting from the 26 state buildings served by the Concord Steam project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year, the commissioner of administrative services shall identify the unexpended appropriations in the accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam facility. The commissioner shall deposit such sums into the account established by this section. Funds in the state heating system savings account shall be nonlapsing and appropriated to the department of administrative services for the biennium ending June 30, 2019, the biennium ending June 30, 2021, and the fiscal year ending [2020] June 30, 2022 and may be used to pay principal and interest on bonds and notes issued to fund the capital project for the heating of state facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in downtown Concord.

3 Charter Commission; Membership; Procedure; Preliminary Report. Amend RSA 49-B:4, I(b) to read as follows:
(b) Members shall be elected in the same manner as the municipal officers except that the shall be elected at large and without party designation. The names of the candidates shall be arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk. Declaration of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week] **Wednesday immediately following the election and coinciding with the recount period pursuant to RSA 40:4-c. The declarations of candidacy shall be invalid if the vote confirming the establishment of a charter commission fails in a recount.**

4 Department of Information Technology; Duties of the Commissioner. Amend RSA 21-R:4, XVIII to read as follows:

   XVIII. Establishing as necessary, after consultation with the information technology council, established under RSA 21-R:6, statewide standards and protocols for information technology, networks, **telephony**, and cyber security, which **shall not be subject to the rulemaking requirements under RSA 541-A** and shall be adhered to by all executive branch agencies unless granted a waiver by the commissioner.

5 Administrative Procedure Act; Exemptions; Standards and Protocols of the Department of Information Technology. RSA 541-A:21, I(gg) is repealed and reenacted to read as follows:

   (gg) Statewide standards and protocols developed by the department of information technology in consultation with the information technology council, including those adopted pursuant to RSA 21-R:4, XVIII, relative to information technology, networks, telephony, and cyber security within executive branch agencies.

6 Repeal. RSA 21-R:4, XX, relative to development of a telephony services manual by the department of information technology, is repealed.

7 Retirement System; Investment Committee; Report on Investment Fees. Amend RSA 100-A:15, II-a(c) to read as follows:

   (c) Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the independent investment committee. **The report shall include a description of all fees incurred due to investment transactions.**

8 Retirement System; Independent Investment Committee; Reports. RSA 100-A:15, X is repealed and reenacted to read as follows:

   X. The quarterly report of the independent investment committee under paragraph II(c) and the comprehensive annual financial report under paragraph VI shall be made available for public inspection on the retirement system’s Internet website.

9 Death Benefits; Emergency Medical Technicians and Rescue Squad Members. Amend RSA 21-I:29-a, I(c) to read as follows:

   (c) “Family” means the surviving spouse of the police officer, firefighter, emergency medical technician, or rescue squad member who was wholly or partially dependent, in fact, upon
the earnings of the police officer, firefighter, emergency medical technician, or rescue squad member
or, if there is no surviving spouse, the surviving dependent child or dependent children, of such
police officer, [see] firefighter, emergency medical technician, or rescue squad member or, if
there is no surviving dependent child, a surviving person qualifying as a common-law spouse
pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or
adult children, or if there is no surviving adult child or adult children, the surviving parent or
parents of such police officer, firefighter, emergency medical technician, or rescue squad member.

10 Death Benefits; Emergency Medical Technicians and Rescue Squad Members. Amend RSA
21-I:29-a, I(h) to read as follows:

(h) "Rescue squad member" means any member of a rescue squad formed for the
purposes of responding to a state of emergency as declared by the governor or as part of a search and
rescue effort under the supervision of the fish and game department [to recover a lost person].

11 Administrative Procedure Act; Definition of Form. RSA 541-A:1, VII-a is repealed and
reenacted to read as follows:

VII-a. "Form" means a document, whether hardcopy or electronic, with blank spaces for
insertion of required or optional information, which must be submitted to the agency by persons
outside the agency, such as, but not limited to, licensing applications, petitions, or requests. The
term does not include a document that is called a form by the agency but which does not have blank
spaces for insertion of information by persons outside the agency.

12 Public Hearing and Comment. Amend RSA 541-A:11, I(a) to read as follows:

I(a) Each agency shall hold at least one public hearing on all proposed rules filed pursuant
to RSA 541-A:3 and shall afford all interested persons reasonable opportunity to testify and to
submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in
accordance with the terms of the notice filed pursuant to RSA 541-A:3, I and the provisions of this
section. The office of legislative services shall provide oral or written comments on potential bases
for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of
the office of legislative services. Each agency shall require all materials submitted in writing to be
signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for
the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of
the proposed rule and any draft new or amended form, or screenshot, mock-up, or prototype
of an electronic-only form, which the rule incorporates by reference or whose requirements
are set forth in the rule pursuant to RSA 541-A:19-b, shall be available to the public under RSA
91-A and at least 5 days prior to the date of the hearing.

13 New Paragraph; Filing of Final Proposal. Amend RSA 541-A:12 by inserting after paragraph
II the following new paragraph:

II-a. The agency shall file with the final proposal a copy of any related new or amended
form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated
by reference in the final proposed rule or whose requirements are set forth in the final proposed rule pursuant to RSA 541-A:19-b.

14 Review by the Joint Legislative Committee on Administrative Rules; Basis for Objection. Amend RSA 541-A:13, IV(c) to read as follows:

(c) Determined not to be in the public interest, including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b; or

15 Final Adoption. Amend RSA 541-A:14, III to read as follows:

III. The agency shall file all adopted rules with the director of legislative services all adopted rules and any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rules incorporate by reference or whose requirements are set forth in the rules pursuant to RSA 541-A:19-b.

16 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph IV the following new paragraph:

IV-a. The agency shall file with the proposed interim rule a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the proposed interim rule or whose requirements are set forth in the proposed interim rule pursuant to RSA 541-A:19-b.

17 Interim Rules; Basis for Objection. Amend RSA 541-A:19, VII(c) to read as follows:

(c) Determined not to be in the public interest, including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b; or

18 Interim Rules. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b). An adopted interim rule, and any new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or the requirements for which are set forth in the rule pursuant to RSA 541-A:19-b, shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval. Interim rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.
19 Adoption of Forms. Amend RSA 541-A:19-b to read as follows:

541-A:19-b Adoption of Forms. An agency may adopt a form as defined in RSA 541-A:1, VII-a, either by incorporating the actual form by reference in a rule, or by setting forth the requirements of the form in rules, adopted according to the procedures in this chapter and in compliance with the drafting and procedure manual pursuant to RSA 541-A:8. No new or amended form shall be effective and enforceable pursuant to RSA 541-A:22, I unless the form has been adopted in accordance with this chapter.

20 Revisions to Forms; Expedited Procedure. Amend RSA 541-A:19-c to read as follows:

541-A:19-c Revisions to Forms; Expedited Procedure.

I. An agency may make editorial changes to a previously adopted form without following the procedures required in RSA 541-A:19-b, in this section, or in RSA 541-A:3, but shall notify the office of legislative services of any proposed editorial changes in accordance with the drafting and procedure manual pursuant to RSA 541-A:8.

II. An agency may revise [a form as defined in RSA 541-A:1, VII-a without meeting the requirements of RSA 541-A:5-7, substantively the requirements on a previously adopted form as defined in RSA 541-A:1, VII-a, and amend the relevant provisions in the rule which set forth the requirements of the form or incorporate the form by reference pursuant to RSA 541-A:19-b, without meeting the requirements of RSA 541-A:5, RSA 541-A:6, and RSA 541-A:9-14 [either in accordance with RSA 541-A:19-b or] by providing notice and adopting the amended form in accordance with paragraphs III through VII.

III. Notice of an agency’s intent to [adopt a form or amendment to a form] amend a form and amend the relevant, affected rule shall include:

   (a) The name and address of the agency.

   (b) The statutory authority for the form.

   (c) The rule number and title of the affected rule to be amended, and whether the action is an amendment or readoption with amendment of the rule as described in the drafting and procedure manual pursuant to RSA 541-A:8.

   (d) An explanation of the reason for the proposed [adoption or] amendment of a form and a summary of the existing, affected rule and the proposed amendment to the form and the rule.

   (e) The name, address, electronic address, and telephone number of an individual in the agency able to answer questions about the proposed form.

   (f) The deadline for receipt by the agency of written or electronic public comment, which shall be no sooner than the 7th calendar day after the date of publication of the notice in the rulemaking register.

III-a. The amended rule to be filed shall include only those relevant provisions of the rule, as described in the drafting and procedure manual, pursuant to paragraph II,
and neither the amended form nor the amended rule shall have a fiscal impact which would otherwise require a fiscal impact statement pursuant to RSA 541-A:5.

IV. The agency shall file a copy of the amended form, the amended rule including an appendix pursuant to RSA 541-A:3-a, and the notice required by paragraph III [shall be filed] with the director of legislative services, [for publication] who shall publish the notice in the rulemaking register. [A copy of the form to be adopted shall be filed with the notice.]

V. If on the basis of public comment the official or the group of individuals with rulemaking authority determines that the form should not be adopted amended, the agency shall so notify the director of legislative services and the form shall not be adopted amended.

VI. The proposed form as amended and amended rule shall be placed on the agenda of the committee for review at the first regularly scheduled or special meeting at least 5 calendar days after the close of the period for written or electronic comment described in subparagraph III(e). The committee may approve or object to the form. The committee may object to the adoption of the form as amended and the affected rule if the form is:

(a) Beyond the authority of the agency;
(b) Contrary to the intent of the legislature; [or]
(c) Deemed not to be in the public interest, including the existence of substantive inconsistencies between the form and the rule where the form is incorporated by reference or which set forth the requirements of the form pursuant to RSA 541-A:19-b; or
(d) Deemed by the committee not to meet the requirements of this section, including due to the existence of a fiscal impact.

VII. Subsequent review and adoption of the form as amended and the affected rule shall be as provided in RSA 541-A:13 for final proposed rules.

21 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

I. No agency rule, including a form, is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

22 Retail Installment Sales of Motor Vehicles; Consumer Inquiries. Amend the introductory paragraph of RSA 361-A:4-a, I to read as follows:

I. Consumer complaints naming retail sellers or sales finance companies under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic mail or certified or registered mail to the retail seller or sales finance company for response within 10 days of receipt by the department. Retail sellers or sales finance companies shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the retail seller or sales finance company shall conduct an investigation of the complaint and either:

23 Bank Commissioner; Qualifications. Amend RSA 383:6 to read as follows:
383:6 Qualifications. No person who is not a resident of the state at the time of his or her appointment or who fails to become a resident of the state within one year after his or her appointment, and no person who is indebted to any entity under the supervision of the commissioner, or who holds any stock or office in the entity, or who is engaged as principal or agent in the business of selling or negotiating loans, stocks, or securities of any kind in this state, or who is an officer or stockholder in any entity engaged in that business, shall be eligible to hold or continue to hold the office of commissioner or deputy commissioner. The provisions of this section relative to indebtedness to an entity under the supervision of the commissioner shall not disqualify a person who, at the time of his or her appointment, is indebted to the entity for a home mortgage loan, or if at a time subsequent to his or her appointment a legal transfer of the loan or conversion of an entity results in the loan being held by an entity under the supervision of the commissioner or a deputy commissioner, provided that the indebtedness shall be limited to such pre-existing contracts, a residential mortgage loan, car loan, or other secured personal loan if such indebtedness is subject to customary terms and conditions and transacted in the normal course of business. The provisions of this section relative to stock shall not disqualify a person who holds investments in shares of regulated diversified investment companies.

24 Bank and Credit Union Regulatory and Enforcement; Consumer Complaints. Amend the introductory paragraph of RSA 383-A:9-904, I to read as follows:

I. Consumer complaints naming state banks or credit unions, which are filed in writing, shall be forwarded via electronic mail or certified mail to the state bank or credit union for response within 10 days of receipt by the department. Not later than 30 days following receipt of such complaint, the state bank or credit union shall conduct an investigation of the complaint and either:

25 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Consumer Inquiries. Amend the introductory paragraph of RSA 397-A:15-a, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic mail or certified mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

26 Regulation of Small Loans, Title Loans, and Payday Loans; Consumer Inquiries. Amend the introductory paragraph of RSA 399-A:12, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic mail or certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and
27 Debt Adjustment Services; Consumer Inquiries. Amend the introductory paragraph of RSA 399-D:11, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic mail or certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

28 New Paragraph; Licensing of Money Transmitters; Definitions; Nationwide Multistate Licensing System and Registry. Amend RSA 399-G:1 by inserting after paragraph XVII the following new paragraph:

XVII-a. "Nationwide multistate licensing system and registry" means a national licensing system and facility developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or their successors, for the licensing and registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers, and other non-depository financial service licensees, including money transmitters.

29 Licensing of Money Transmitters; Application and Fees. Amend the introductory paragraph of RSA 399-G:4, I(a) to read as follows:

(a) To be considered for licensing, each person shall complete and file with the department one verified application through the Nationwide Multistate Licensing System and Registry, using the Nationwide Multistate Licensing System and Registry form, [or providing all the same information required on the application developed by the Nationwide Multistate Licensing System and Registry,] which shall include but not be limited to the following information:

30 Licensing of Money Transmitters; Consumer Inquiries. Amend the introductory paragraph of RSA 399-G:12, I to read as follows:

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic mail or certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

31 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the following new sections:

437:8-a Animal Records Database Established.
I. The department of agriculture, markets, and food shall design, establish, and contract with a third party for the implementation and operation of an electronic system to facilitate the handling of animal records. The department shall maintain a statewide database of all health certificates for any dog, cat, or ferret for which it is required; records of all rabies vaccinations; records of quarantine for any animal brought into New Hampshire for transfer under RSA 437:8, IV; any records required of pet vendors for the transfer of any animal that is not a dog, cat, or ferret; license information for pet vendors required to be licensed under RSA 437:3, and the number of individual and group licenses issued each year by each municipality in New Hampshire under RSA 466.

II. Such database may also be used to record other data relevant to the oversight of pet animal health in the state as the commissioner deems necessary.

III. The department shall maintain a reporting system capable of receiving electronically transmitted reports from veterinarians, pet vendors, animal shelters, and any other person the department requires by rule to submit animal records. Authorized users shall be capable of working in offline mode when an Internet connection is not available. The commissioner shall adopt rules under RSA 541-A to govern methods of obtaining, compiling, and maintaining such information it deems necessary to manage such database including procedures for providing authorized access by licensed veterinarians, municipal clerks, and other persons the commissioner requires to access to the database. The commissioner shall also adopt rules pursuant to RSA 541-A relative to the collection of fees necessary to maintain the database. The commissioner shall also ensure that the database is secure from unauthorized access or use.

IV. There is established a nonlapsing fund to be known as the animal records database fund in the department of agriculture, markets, and food which shall be kept distinct and separate from all other funds. All moneys in the animal records database fund shall be nonlapsing and continually appropriated to the commissioner, and except as otherwise provided in law, shall be used for the purpose of administering and maintaining the animal records database established in this section. The database fund shall draw moneys only from grants, appropriations, and the fees in RSA 437:8-a.

V. Notwithstanding paragraph IV, the fund shall be initiated by transfers from the agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA 435:20,V(a), and the integrated pest management fund established under RSA 430:50, as provided in RSA 430:50, IV(a). After the animal records database is operational, the commissioner may reimburse first the integrated pest management fund, and then the agricultural product and scale testing fund, over a period of 5 years as provided in RSA 435:20, V(b) and RSA 430:50, IV(b).

437:8-b Confidentiality.

I. Information contained in the database, information obtained from it, and information contained in the records of requests for information from the database, shall be confidential, and shall not be a public record or otherwise subject to disclosure under RSA 91-A, and shall not be
subject to discovery, subpoena, or other means of legal compulsion for release. Such information
shall not be shared with an agency or institution, except as provided in this subdivision.

II. The department shall establish and maintain procedures to ensure the privacy and
confidentiality of animal and animal owner information.

III. The department may use and release information and reports from the program for
program analysis and evaluation, statistical analysis, public research, public policy, and educational
purposes, provided that the data are aggregated or otherwise de-identified.

IV. No database records, information, or lists shall be sold, rented, transferred, or otherwise
made available in whole or in part, in any form or format, directly or indirectly, to another person.

V. Database records, information, or lists may be made available pursuant to a court order
on a case-by-case basis. In a case of potential rabies exposure, rabies vaccination information may
be made available in response to a request from the state, a political subdivision of the state, the
federal government, or a law enforcement agency solely for use in official business. Any information,
record, or list received pursuant to this paragraph shall not be transferred or otherwise made
available to any other person or listed entity not authorized under this paragraph.

VI. Any person who knowingly accesses, alters, destroys, or discloses program information
except as authorized in this subdivision or attempts to obtain such information by fraud, deceit,
misrepresentation, or subterfuge shall be guilty of a class B felony.

32 Health Certificates; Fee. Amend RSA 437:8 to read as follows:
437:8 Health Certificates for Dogs, Cats, and Ferrets.

I. For purposes of this chapter, an official health certificate means [a certificate signed] an
electronic record electronically submitted to the animal records database by a licensed
veterinarian, containing the name and address of the entity transferring ownership of the dog, cat,
or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical
description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or
ferret is free from evidence of communicable diseases or internal or external parasites. A list of all
vaccines and medication administered to the dog, cat, or ferret shall be included [on or attached to] in
the certificate. The signing veterinarian shall pay a fee not to exceed $2 for each official
health certificate submitted to the department of agriculture, markets, and food in
accordance with rules established by the department for the submission of the health
certificates for the administration of the animal records database.

II. The electronically submitted health certificate shall be considered the official
health certificate. A copy of the health certificate of [The original of the official health
certificate accompanying] the dog, cat, or ferret offered for transfer by a licensee shall be kept on the
premises where dogs, cats, and ferrets are displayed, and made available for inspection by the
department, local officials, or a member of the public upon request up to one year after the animal
has left the facility. The public shall be informed of their right to inspect the health certificate for
each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are
displayed. Upon transfer of a dog, cat, or ferret, a copy of that animal's health certificate shall be
given to the transferee in addition to any other documents which are customarily delivered to the
transferee. [The transferee may accept a dog, cat, or ferret that has a noncontagious illness, or feline
leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination by a
licensed veterinarian for an official health certificate. The transferee shall sign a waiver that
indicates the transferee has knowledge of such dog, cat, or ferret's noncontagious medical condition
and then submit such waiver to the licensee who shall send a copy to the state veterinarian.]

II-a. For purposes of this chapter, an official health certificate waiver means an
electronic record electronically submitted to the animal records database provided in lieu
of an official health certificate for a dog, cat, or ferret that has failed the examination for
an official health certificate because of a non-contagious illness, feline leukemia, or feline
immunodeficiency virus. The waiver shall contain the name and address of the entity
transferring ownership of the dog, cat, or ferret; the age, gender, breed, microchip number,
tattoo number, ear tag number, or physical description of the dog, cat, or ferret; the reason
for failure of the examination for the official health certificate; and the signature of the
transferee indicating that the transferee has knowledge of the dog's, cat's, or ferret's non-
contagious medical condition. A list of all vaccines and medication administered to the
dog, cat, or ferret shall be included in the health certificate waiver. The waiver shall be
submitted electronically to the animal records database by a New Hampshire licensed
veterinarian, a New Hampshire licensed pet vendor, or other person authorized to submit
to the animal records database. The person submitting the health certificate waiver shall
pay a fee not to exceed $2 for each official health certificate waiver submitted to the
department of agriculture, markets, and food in accordance with rules established by the
commissioner for the administration of the animal records database. Payments shall be
made electronically.

III. No person, firm, corporation, or other entity shall ship or bring into the state of New
Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
ferret less than 8 weeks of age.

IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian
separated from other animals on the premises before being offered for transfer.

V. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of
this section relative to transferring dogs, cats, and ferrets except that:
(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph III. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by a copy of the official health certificate or official health certificate waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the transferred animal is accompanied by a copy of the official health certificate or official health certificate waiver. The official health certificate shall reside in the animal records database in a record which the issuing veterinarian and the licensee shall be authorized to access. A copy, generated by the veterinarian or the licensee, shall be provided to the transferee. The transferor shall retain a copy for his or her records. If an official health certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy of the health certificate to the department of agriculture, markets, and food upon request.

33 Duties of Veterinarian; Notification of Administration of Rabies Vaccine. Amend RSA 436:102 to read as follows:

436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination [in triplicate] which includes the following information: owner's name and address, description of dog, cat, or ferret (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the vaccination. Distribution of copies of the certificate shall be: the original to the owner, one copy retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100. The veterinarian shall
enter the rabies vaccine certificate information electronically into the animal records database, and generate a copy for the owner, who shall retain that copy for the interval between vaccinations specified in RSA 436:100. The department shall provide city and town clerks access to database records of vaccination for all dogs, cats, and ferrets within their jurisdiction. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's premises, and not under the control of the owner or handler while working the dog, the collar or harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), or participating in any lawful competitive event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with the tag.

34 Cost; Rabies Vaccination Fee. Amend RSA 436:103 to read as follows:

436:103 Cost. The cost of rabies vaccination shall be paid by the owner of the dog, cat, or ferret. A fee not to exceed $2 shall be included in the cost of such vaccinations and shall be submitted to the department of agriculture, markets, and food in accordance with rules established by the department for submission of the vaccination certificate required in RSA 436:102 for the administration of the animal records database.

35 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the animal records database fund established in RSA 437:8-a, IV.

36 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend RSA 435:20 by inserting after paragraph IV the following new paragraph:

V(a). The commissioner shall transfer funds from the agricultural product and scale testing fund established under RSA 435:20, IV to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the agricultural product and scale testing fund to the animal records database fund for this purpose.

(b) After the animal records database is operational, for the purpose of reimbursement, the commissioner may transfer funds back to the agricultural product and scale testing fund for a period of 5 years from the date of certification, employing any surplus over the ongoing cost of
database operation and maintenance. All transfers shall end 5 years after certification, whether or not reimbursement is completed.

37 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50 by inserting after paragraph III the following new paragraph:

IV(a). The commissioner shall transfer funds from the integrated pest management fund established in this section to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the integrated pest management fund to the animal records database fund for this purpose.

(b) After the animal records database is operational, for the purpose of reimbursement, the commissioner is authorized to transfer funds back to the integrated pest management fund for a period of 5 years from the date of certification, employing any surplus over the ongoing cost of database operation and maintenance. All transfers shall end 5 years after certification, whether or not reimbursement is completed.

38 Repeal. The following are repealed:

I. RSA 430:50, IV(a), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds from the integrated pest management fund.

II. RSA 430:50, IV(b), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds to the integrated pest management fund.

III. RSA 435:20, V(a), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

IV. RSA 435:20, V(b), relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds to the agricultural product and scale testing fund.

V. RSA 437:8-a, V, relative to the authority of the commissioner of the department of agriculture, markets, and food to transfer funds to and from the animal records database fund.

39 Applicability.

I. Sections 32-34 of this act shall take effect 90 days after the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services that the animal records database established in RSA 437:8-a is operational.

II. Paragraphs I and III of section 38 of this act shall take effect 2 years from the date on which the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services, that the animal records database established in RSA 437:8-a is operational.
III. Paragraphs II, IV, and V of section 38 of this act, shall take effect 5 years from the date on which the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services, that the animal records database established in RSA 437:8-a is operational.

40 Organization of State Banks; Application. Amend RSA 383-A:3-305(e)(6) to read as follows:

(6) In addition to paying the cost for any examination or investigation of the background and criminal history of any person pursuant to this section, [The commissioner may require] the organizer [to] shall pay the actual costs of each background investigation and criminal history records check.

41 Trust Company Act; Number of Directors. Amend RSA 383-C:6-601 to read as follows:


(a) The board of directors of a trust company shall be composed of at least 5 directors. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the trust company’s safety and soundness.

(b) Every new director shall submit to a background investigation and criminal history records check, to include submission of financial and other information in accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material change related to the background investigation and criminal history records check of any director or any new information related to the experience, ability, standing, competence, trustworthiness, and integrity of a director that could jeopardize the safe and sound operation of the trust company within 30 days of learning of such change. The cost of any examination or investigation of the background information and criminal history shall be paid by the trust company.

42 New Section; Trust Company Act; Removal of Directors or Officers by Commissioner. Amend RSA 383-C by inserting after section 6-603 the following new section:

383-C:6-604 Removal of Directors or Officers by Commissioner. In addition to the grounds for removal set forth in RSA 383-A:9-902, the commissioner may also remove a director or officer of a trust company if, in the opinion of the commissioner, the director or officer does not possess the experience, ability, standing, competence, trustworthiness, and integrity to ensure the safe and sound operation of the trust company. The commissioner shall act in accordance with the procedure described in RSA 383-A:9-902 for any such removal.

43 Family Trust Company Act; Directors and Officers. Amend RSA 383-D:8-801(a) to read as follows:

(a) A family trust company shall have a board of directors, and that board of directors must have not less than three members. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the

44 Purpose and Findings. The general court finds that proper solid waste management protects public health and the environment and preserves natural resources. To adequately prepare the state for future solid waste challenges, New Hampshire must review and update its solid waste management laws and policies and its solid waste management plan, engage in vigorous long-range planning, and develop creative, effective solutions. Other states in the region have devoted significant effort and funds to future solid waste management planning. New Hampshire lags behind in updating its solid waste reduction and recycling policies, while solid waste disposal capacity rapidly diminishes to the detriment and expense of the state’s citizens, municipalities, and businesses. The working group in section 45 of this act is being established to assist the department of environmental services plan our state’s solid waste future.

45 New Subdivision; Solid Waste Working Group. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Solid Waste Working Group


I. The solid waste working group shall be convened by the department of environmental services and shall have, at a minimum, the following members:

(a) One member of the house, appointed by the speaker of the house of representatives.
(b) One member of the senate, appointed by the president of the senate.
(c) One member of the waste management council, appointed by the chair of the council.
(d) One member representing private solid waste disposal facilities who shall also operate a major materials recovery facility.
(e) One member representing publicly owned solid waste disposal facilities.
(f) One member representing solid waste haulers.
(g) One member representing solid waste recyclers.
(h) One representative of the Northeast Resource Recovery Association, appointed by that association.
(i) One member representing cities with single stream recycling.
(j) One member representing a rural community with source separated recycling.
(k) The commissioner of the department of environmental services, or designee.
(l) The commissioner of business and economic affairs, or designee.
(m) One representative of the New Hampshire health care industry.
(n) One representative of the Northeast Recycling Council, appointed by that council.
(o) One representative of an environmental/public health advocacy organization.
(p) One member representing the public interest, appointed by the governor.
(q) One member representing New Hampshire commercial/industrial waste generators.
(r) Any other members the commissioner of the department of environmental services deems necessary.

II. Unless otherwise indicated, the members of the working group shall be appointed by the commissioner.

III. The solid waste working group shall:

(a) Assist the department in long-range planning for and the development of creative, effective solutions to the state's solid waste management challenges.

(b) Review and make recommendations for changes to the state's existing solid waste reduction, recycling, and management policies, programs, goals, and initiatives.

(c) Review and make recommendations regarding the impact of regional solid waste management initiatives, including landfill waste disposal bans, on our state and our solid waste disposal landfill capacity.

(d) Advise the department in the development of the solid waste management plan required by RSA 149-M:29.

(e) Review and recommend methods to better provide technical assistance and educational outreach to municipalities, schools, businesses, and the public regarding solid waste reduction, recycling, and management policies.

(f) Review and recommend ways to better implement the solid waste hierarchy and solid waste reduction goals, under RSA 149-M:3.

(g) Review and make recommendations based on the 2019, 265 (HB 617) study committee report on recycling and solid waste management in New Hampshire.

(h) Review such other matters as the working group deems necessary and to recommend any related legislation, policy, or rule changes.

IV. The working group shall meet no later than 60 days after the effective date of this subdivision. The working group shall submit an initial report to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on November 1, 2020 and a final report on November 1, 2023.

46 Repeal. RSA 149-M:61, relative to the solid waste working group, is repealed.

47 Compost; Rulemaking. The commissioner shall initiate rulemaking pursuant to RSA 149-M:7, XV by September 30, 2020 relative to requirements and best practices for facilities that compost organics, including vegetable matter, meat, meat byproducts, dairy products, and dairy product derivatives.

48 State Building Code; Ratification of Amendments. Pursuant to RSA 155-A:10, IV(b), the general court hereby ratifies the amendments to the state building code, as defined in RSA 155-A:1, approved by the state building code review board from July 10, 2015 through March 11, 2016 and from March 8, 2019 through November 8, 2019, in administrative rules Bcr 300; with the exception
of state building code review board Exhibits RE-15-35-18 and RE-15-36-18, which shall not take
effect. Further provided that the following amendments shall expire as provided in 2019, 250:4:

I. RE-15-33-18, an amendment to International Residential Code (IRC) 2015, table
N1102.1.2, relative to climate zone 6, wood frame wall r-value.

II. RE-15-37-18, an amendment to IRC 2015, section N1101.5, relative to information on
construction documents.

III. RE-15-39-18, an amendment to IRC 2015, section N1102.1, relative to the building
thermal envelope.

IV. RE-15-40-18, an amendment to IRC 2015, section N1102.4.1.2, relative to testing.

V. RE-15-42-18, an amendment to IRC 2015, section N1103.6, relative to mechanical
ventilation.

VI. RE-15-43-18, an amendment to IRC 2015, table N1102.1.2, relative to insulation and
fenestration requirements by component.

49 State Fire Code; Ratification of Amendments. Pursuant to RSA 153:5, the general court
hereby ratifies the amendments to the state fire code adopted by the state fire marshal and the state

50 Local Option for Operation of Sports Book Retail Locations. Amend RSA 287-I:6, III to read
as follows:

III. If the question is not approved, the question may later be voted upon according to the
provisions of paragraph I at the next annual town meeting or regular municipal election. A city
with biennial elections may conduct a vote on the question in accordance with the
provisions of paragraph I at the September state primary election.

51 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2;
1990, 37:1; and 2009, 147:1 to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one
auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote
of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to
district meetings the like powers to those of moderator, clerk, and selectmen of towns. The
commissioners shall have within the district all the powers of the mayor and aldermen of any city
respecting [highways,] sidewalks[,] and sewers. They shall control and direct the expenditure of all
moneys raised under authority of the district and by the town of Haverhill for expenditure in the
district. [They shall have sole authority to appoint a highway surveyor in said district, and in
default of such appointment shall themselves perform the duties of that office. The surveyor or
commissioners performing the duties of highway surveyor in the district shall give bond to the town
to account for all money coming into their hands, and for the proper care and custody of the property
of the town or district which may come into their custody or control, and shall be deemed officers of
the town. Nothing in this act shall be construed to impose any distinct or special liability upon the
district respecting highways within its limits.\] Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district. [The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.] The town of Haverhill shall be responsible for the care and maintenance of all roads within its boundaries, including all precincts and districts. Highway block grant funds shall be distributed in accordance with the department of transportation formula, and all other appropriations shall be as directed by warrant articles duly voted by the voters present and voting at each annual Haverhill town meeting.

52 Financial Audit Requirement. No later than one year after the effective date of section 51 of this act, the Woodsville fire district shall provide a financial audit by a certified public accountant approved by the department of revenue administration that is compliant with generally accepted accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources including state and federal funds, from January 1, 2015 to the effective date of section 51 of this act, as directed by the department of revenue administration. The department of revenue administration must approve the scope of the audit and shall receive monthly updates from the certified public accountant and the Woodsville fire district on the status of the audit while it is in progress. The results of the audit shall be published on the town of Haverhill website within 60 days of delivery by the certified public accountant to the Woodsville fire district and the department of revenue administration. The audit shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the audit incurred by the department of revenue administration shall be in accordance with the provisions of RSA 21-J:22. The department of revenue administration may levy a fine of $250 per day against the Woodsville fire district for every day of noncompliance with section 51 of this act beyond one year from the effective date of section 51 of this act. The commissioner may waive such fine at his or her discretion, subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and the provisions of section 51 of this act.

53 Transportation of Beverages and Wine. Amend RSA 179:15 to read as follows:

179:15 Transportation of Beverages and Wine.
I. A person may transport or deliver beverages and wines in this state without a license, provided such beverages and wines were obtained as authorized by this title and provided such beverages and wines are for consumption only and not for resale purposes.

II. Licensees may transport and deliver to their place of business beverages and wines purchased as authorized under this title, and[... except on-premises licensees,] may transport and deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles operated under the control of themselves or of their employees [...or agents], provided that the owner of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on behalf of the licensee for whom they are transporting such beverages and wines.

III.(a) Notwithstanding the provisions of paragraph II, an on-premises licensee may purchase a restaurant delivery license from the commission for $250. Such license shall expire one year after the date of issue and may be renewed by an on-premises licensee for $250 each year.

(b) An on-premises licensee in possession of a restaurant delivery license shall only be permitted to transport beverages and wines for delivery to consumers subject to the following requirements:

(1) All deliveries of beverages and wines shall be accompanied by food prepared by the restaurant delivery licensee and ordered by the consumer;

(2) All deliveries of beverages and wine conducted pursuant to this section shall be undertaken during the on-premises licensee's hours of operation and shall be delivered only to areas where the sale of alcoholic beverages is permitted;

(3) All deliveries of beverages and wine shall be solely for the personal consumption of the consumer and not for resale;

(4) All beverages and wines transported pursuant to RSA 179:15, II shall be transported in their original, manufactured, sealed containers and shall consist of no greater than 192 ounces of malt beverage or 1.5 liters of sparkling or still wine;

(5) Any individual engaged in the delivery of beverages and wines pursuant to this section shall be an employee who regularly receives a W-2 from the on-premises licensee and is at least 21 years of age; and

(6) During deliveries conducted under this section, the person engaged in making the delivery shall acquire a signed receipt from the consumer. Consumers who appear visibly intoxicated or who a reasonable and prudent person would know is intoxicated, who do not produce identification verifying the consumer's age, or who fail to sign a receipt shall not be entitled to his or her delivery of beverages or wine.

(c) No holder of a restaurant delivery license or on-premises license shall deliver any alcoholic beverage to any college, university, or school, whether public or private, located within the state. No holder of a restaurant delivery license or on-premises
license shall deliver any alcoholic beverage to any public library, public playground, or public park.

IV. A person holding an on-premises license engaged in take-out services may include beverages and wine with meals sold to a consumer for consumption by the consumer and not for resale. The requirements set forth in subparagraph III(b) shall apply to any take-out meal sold with beverages or wine.

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, 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.

54 Transportation of Beverages and Wine; Effective July 1, 2021. RSA 179:15 is repealed and reenacted to read as follows:

179:15 Transportation of Beverages and Wine.

I. A person may transport or deliver beverages and wines in this state without a license, provided such beverages and wines were obtained as authorized by this title and provided such beverages and wines are for consumption only and not for resale purposes.

II. Licensees may transport and deliver to their place of business beverages and wines purchased as authorized under this title, and, except on-premises licensees, may transport and deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles operated under the control of themselves or of their employees or agents, provided that the owner of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on behalf of the licensee for whom they are transporting such beverages and wines.

III. 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, 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.

55 New Subparagraph; Advisory Council on Career and Technical Education. Amend RSA 188-
E:10-b, I by inserting after subparagraph (h) the following new subparagraph:

(i) A high school counselor from a sending school district, appointed by the president of
the New Hampshire School Counselor Association.

56 Advisory Council on Career and Technical Education. Amend RSA 188-E:10-b, III to read as
follows:

III. Members of the advisory council appointed under subparagraphs I(f)-(h)(i) shall serve
for terms of 3 years and may be reappointed, except that terms of initial appointments by the
commissioner under subparagraphs (f) and (h) shall be staggered.

57 New Paragraph; Career and Technical Education; Rulemaking. Amend RSA 188-E:10-b by
inserting after paragraph VI the following new paragraph:

VII. By September 30, 2020, upon recommendation of the council, the state board of
education shall adopt rules, pursuant to RSA 541-A, establishing requirements for a career
readiness credential.

58 Repeal. 2019, 256:2, increasing the quorum required for the Pease development authority
board of directors under RSA 12-G:4, III, is repealed.

59 New Chapter; Lakes Region Development Authority. Amend RSA by inserting after chapter
12-O the following new chapter:

CHAPTER 12-P

LAKES REGION DEVELOPMENT AUTHORITY

12-P:1 Declaration of Purpose.

I. The general court recognizes that the redevelopment of the lakes region facility is a
matter of great concern for the city of Laconia, the lakes region, and the state of New Hampshire.
Therefore, the general court finds that refinement and implementation of the redevelopment master
plan prepared by the lakeshore redevelopment planning commission is necessary to ensure proper
planning and optimal disposition and use of the property for the benefit of the city of Laconia, the
lakes region, and the state.

II. The general court further recognizes that the economies, environment, and quality of life
of the city of Laconia, the lakes region, and the state will depend on the expeditious and proper
redevelopment of the lakes region facility. Thus, it is hereby declared to be in the public interest and
to be the policy of the state to foster and promote the redevelopment of the lakes region facility by
implementing the redevelopment master plan prepared by the lakeshore redevelopment planning commission.

III. It is further declared that creation of a development authority to implement the redevelopment master plan, oversee, and manage the sale and transfer of the land, buildings, and facilities at the lakes region facility, and, to the greatest extent practicable, integrate the development of the lakes region facility with nearby state resources and the master plan of the city of Laconia is in all respects for the benefit of the city of Laconia, the lakes region, and the state and for the improvement of their welfare and prosperity, including the creation and enhancement of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the lakeshore redevelopment planning commission the responsibility for completing any steps in the planning process that may remain incomplete as of July 1, 2020, and to create a development authority with the power, duties, and authority to implement all aspects of the redevelopment of the lakes region facility subject to provisions of this chapter.

12-P:2 Definitions. In this chapter:

I. "Authority project" means the development, construction, reconstruction, maintenance, or operation of any authority property, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of lakes region facility property or used or useful in connection therewith.

II. "Authority property" means all real property and tangible and intangible personal property, rights, and facilities located at the lakes region facility.

III. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, and the mayor and city council of the city of Laconia.

IV. "Authority" means the lakes region development authority.

V. "Board" means the board of directors of the authority.

VI. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VII. "Commission" means lakeshore redevelopment planning commission established pursuant to former RSA 10:5.

VIII. "Director" means a member of the board.

IX. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-P:19 required (a) to pay the costs of operating, maintaining, and repairing all property and projects of the authority, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the state issued to support authority projects or
operations, as the same become due and payable, (d) to create and maintain a capital improvement
fund for development of authority property and authority projects to be established pursuant to RSA
12-P:18, and (e) to pay any federal or state taxes owed by the authority related to its ownership or
operation of authority property or authority projects.
X. "Lakes region facility" means all land, easements, buildings, structures, and
appurtenances owned or controlled by the state of New Hampshire in the city of Laconia formerly
known as the Laconia State School or subsequently acquired or transferred to the authority.
XI. "Person" means any individual, trust, firm, joint stock company, corporation (including a
government corporation), partnership, association, state (including the state of New Hampshire),
municipality, commission, United States government or any agency thereof, political subdivision of
the state, or interstate body.
XII. "Revenues" means the gifts, grants, contributions, and appropriations from any source
and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the
authority from the purchase, sale, leasing, or development of the lakes region facility and the
operation of related facilities located thereon and all right to receive the same, including investment
earnings and the proceeds of any borrowing hereunder or of any sale, disposition or insurance of any
assets of the authority.
XIII. "Security document" means any trust agreement, security agreement, or resolution
authorizing the issuance of or securing bonds.
XIV. "State" means the state of New Hampshire.
12-P:3 Lakes Region Development Authority Established.
I. There is hereby created a public instrumentality of the state, to be known as the lakes
region development authority, to carry out the provisions of this chapter. The exercise by the
authority of the powers conferred by this chapter shall be deemed and held to be the performance of
public and essential governmental functions of the state.
II. Any resolution, vote, or contract executed, passed, or approved by or on behalf of the
commission shall be binding on, shall inure to the benefit of, and shall be performed by, the
authority whether so expressed or not. All rights, title, and interest in and to all assets and all
obligations and liabilities of the commission vested in or possessed by the commission on June 1,
2020, shall vest in and be possessed, performed, and assumed by the authority. The passing of
rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph
shall not increase or diminish them.
III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt,
or otherwise be bound by the bylaws, votes, or decisions of the commission or any advisory
committee thereof except as set forth in paragraph II.
12-P:4 Management by Board of Directors; Executive Director.
I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

(a) Two members appointed by the governor and executive council.
(b) Two members appointed by the mayor and city council of the city of Laconia.
(c) One member appointed by the president of the senate.
(d) One member appointed by the speaker of the house of representatives.
(e) One member who is nominated by majority vote of the legislative delegation of Belknap county, including any senator whose district includes Belknap county, and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this manner shall be a resident of Belknap county. The member appointed in this manner may be removed from office for cause after hearing by the Belknap county legislative delegation.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed. State-appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the city of Laconia may be removed from office for cause after hearing by the mayor and city council.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its employees, subject, however, to the direction and control of the board. The executive director shall be responsible for ensuring that all revenues and all costs associated with operating and maintaining property and projects are accounted for and shall perform all such other duties as from time to time may be assigned to the executive director by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority. The executive director shall have the power to cause copies to be made of all minutes and other records and documents of the authority. The executive director may employ, with the consent and approval of the board, such assistants, legal counsel, and clerical and administrative staff as is directed by the board and within the limits of
funds available for that purpose. The salary of the executive director shall be established by the board.

12-P:5 Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless the member has already filed a statement in that calendar year.

II. A member of the board shall not be allowed to enter into or continue his or her duties, unless the member has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of $10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of $5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of $5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly-held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

12-P:6 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

12-P:7 Duties.

I. The authority assumes from the commission and shall perform the following duties:

(a) Undertaking such studies as are deemed necessary by the authority to effect the redevelopment and future use of the lakes region facility or otherwise carry out the duties of the authority under this statute. Any such studies shall have as a primary concern the impact of the
redevelopment and future reuse of the lakes region facility on the economies, environment, and
quality of life of the city of Laconia, the lakes region, and the state.

(b) Reviewing and implementing as expeditiously as possible all options relative to the
most appropriate future uses of the lakes region facility to achieve, to the extent practicable, the
following goals:

(1) Converting the lakes region facility through sale or other transfer or conveyance
to non-state ownership;

(2) Generating property tax revenues from property within the lakes region facility;

(3) Creating jobs and promoting economic development within the city of Laconia
and the lakes region;

(4) Integrating redevelopment of the lakes region facility with the city of Laconia
master plan and adjacent and nearby state facilities;

(5) Reducing the costs and other financial burdens on the state and its agencies
resulting from state ownership, operation, and maintenance of the lakes region facility;

(6) Recognizing and memorializing the prior use of the lakes region facility as the
former Laconia state school; and

(7) Returning to the state when the authority ceases to exist or, at the discretion of
the board, prior to such time, an amount of funds equal to the total cost of any bonds issued by the
state in support of redevelopment of the lakes region facility.

II. The authority shall at all times act in a manner which is consistent with the public good
and pursuant to this chapter shall seek to implement the redevelopment master plan for the lakes
region facility.

12-P:8 Incorporation; Powers. Notwithstanding any other provision of law, the authority shall
have all of the powers necessary or convenient to carry out the purposes and provisions of this
chapter, including the power:

I. To employ or retain as independent contractors architects, engineers, attorneys,
accountants, and such other advisors and employees, consultants, and agents as may be necessary in
its judgment without regard to any personnel or civil service law or personnel or civil service rule of
the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

II. To appoint qualified individuals to serve as unpaid volunteers or advisors under such
terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for
such incidental expenses determined by the board to be necessary and incurred while performing the
business of the authority.

III. To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or
otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with property or any
interest therein, whether tangible or intangible, for its purpose.
IV. To sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, all or any of the property, whether tangible or intangible, at the lakes region facility or other property of the authority or any interest therein on such terms and conditions as the authority deems to be consistent with it duties under RSA 12-P:7 and without regard to any other provision of law affecting or restricting the sale, conveyance, lease, rental, exchange, transfer, abandonment or other disposal of state property, except that no real property may be made subject to a license, lease, or other rental agreement subject to a term beyond June 30, 2026, without the prior approval of the governor and the executive council.

V. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or its agencies or departments, the state or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, grants, property, funds, money, materials, labor, supplies, or services.

VI. To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and fulfillment of the duties of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic on such terms and conditions as the authority deems appropriate within the limits of its available funds.

VII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

VIII. To procure insurance against any loss in connection with its property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor. Nothing in this paragraph shall be construed as a waiver of the sovereign immunity of the state except as authorized under RSA 491:8.

IX. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of, or other participation in facilities, products, or services of any person who engages in business on property owned or controlled by the authority.

X. To make any inquiry, investigation, survey, feasibility study, or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XI. To apply to the appropriate agencies and officials of the federal government and the state for applicable licenses, permits, or approvals of its plans or projects as it may deem necessary or advisable, and to accept such licenses, permits, or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.
XII. To make bylaws and establish committees for the management and regulation of its
affairs as it may deem necessary to make rules pursuant to its own procedures for the use of its
projects and property and to establish and collect rentals, fees, and all other charges for the use of
projects under the jurisdiction of the authority and for services or commodities sold, furnished, or
supplied by the authority.

XIII. To design, construct, maintain, operate, improve, and reconstruct such projects as shall
be consistent with the purposes and provisions of this chapter and also to contract for the
construction, operation, or maintenance of any parts thereof, or for services to be performed thereon,
and to sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of, or mortgage,
pledge, or create a security interest in such parts thereof and grant concessions thereon, all on such
terms and conditions as the authority may determine.

XIV. To take such other action as it may deem necessary and advisable in the furtherance of
the purposes of this chapter.

12-P:9 General Authority Power. In addition to the duties and powers specifically enumerated
in RSA 12-P:7 and RSA 12-P:8, the authority shall have every power enumerated in the laws of the
state granted to the authority or the executive director under any other provision of state law.

12-P:10 Status of Authority Employees; Entitlement to State Benefits; Reimbursement of Costs.

I. The authority may hire, fix, and pay compensation, prescribe duties and qualifications,
and establish personnel policies without regard to any personnel or civil service law or personnel or
civil service rule of the state. The employees of the authority shall not be classified employees of the
state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be an
employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding any other provision of law, any employee's service with the authority
shall be credited to such employee as continuous state service for all purposes, including without
limitation rate of pay, determination of seniority and years of state service, longevity pay, and
annual, sick, or other forms of leave.

III. Notwithstanding the provisions of paragraph I, any individual employed by the
authority, whose employment calls for 30 hours or more work in a normal calendar week, and whose
position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive
such health, dental, life insurance, deferred compensation, and retirement benefits as are equivalent
to those afforded to classified employees of the state. Upon election by such individual, the authority
shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental,
life insurance, deferred compensation, and retirement benefits which an individual elects to receive
pursuant to this section, shall be withheld from such individual's salary as a payroll deduction.
Written notice of the availability of these benefit options shall be provided to each individual upon
employment by the authority.
IV. Notwithstanding any other provision of law, the board or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority.

12-P:11 Local Land Use Controls.

I. Notwithstanding any other provision of law, any and all land use controls of the city of Laconia shall not apply to any of the property at the lakes region facility until such time as such property is transferred, conveyed, or otherwise granted to an entity or person that is not an agency or instrumentality of state or federal government or any employee or agent thereof. Prior to such transfer, conveyance, or grant, the authority shall have the exclusive jurisdiction in adopting and establishing such land use controls for the property at the lakes region facility as it deems necessary. In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of any land use controls it may adopt. Any land use controls enacted by the authority shall be filed in the Belknap county registry of deeds, the clerk's office for the city of Laconia, and the New Hampshire office of strategic initiatives.

II. Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Laconia and any abutters shall have standing to appeal decisions made by the authority related to implementation of any land use control adopted by the authority.

III. The authority shall engage with the appropriate officials of the city of Laconia to develop for property to be transferred, conveyed, or otherwise granted by the authority the appropriate zoning and other ordinances and regulations as are necessary to effect the purposes of this chapter as are consistent with the state's redevelopment master plan and the city's master plan.

IV. The authority, after notice and hearing and in addition to any contract right or other power, may impose an administrative fine not to exceed $2,000 for each offense upon any person who violates any provision of the authority's land use controls. The proceeds of any administrative fine levied pursuant to this section shall be revenue of the authority.

V. If the authority adopts land use controls pursuant to this section, the authority shall adopt rules relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of the authority's land use controls as provided in this paragraph;

(b) Procedures for notice and hearing prior to imposition of an administrative fine; and

(c) Procedures for rehearings and appeals to the board.

12-P:12 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity, and for the improvement of their social and economic conditions, and the authority shall not be required to pay any tax or assessment on
any property or project owned by the authority under the provisions of this chapter or upon the
revenues from such property or project, nor shall the authority be required to pay any recording fee
or transfer tax of any kind on account of instruments recorded by it or on its behalf. Nothing in this
section shall be construed to exempt any transferee, lessee, or tenant of the authority from paying
any recording fee, transfer tax, or other tax required by state law.

II. Upon the sale, conveyance, or other transfer by the authority of any of its property to a
nonexempt entity for any use, the city of Laconia shall subject such property and any improvements
thereon, consistent with applicable state and local law, to any and all applicable property taxes of
the municipality.

III. Upon the leasing or renting by the authority of any of its property to a nonexempt entity
for any use, the city of Laconia shall subject such property, consistent with applicable state and local
law, to any and all applicable property taxes of the municipality as though such property were not
owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such property rented from the authority, the renter shall pay, in lieu of
real estate taxes, to the municipality in which the property is located an amount equal to the amount
that would have been paid as ad valorem taxes in respect to such property, had it been owned by a
nongovernmental person.

(b) In the case of such property leased from the authority, the lessee of such property
shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails
to pay such duly assessed taxes by the due date:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum from
the due date until such taxes are paid;

(2) The city of Laconia shall have a lien, subordinate only to any existing lien of the
authority or the state, upon any personal property including, but not limited to, equipment owned by
the lessee, which lien shall continue in force from the due date until the taxes and accrued interest
are paid; and

(3) The city of Laconia may bring suit against the lessee in any court of competent
jurisdiction for the recovery of any unpaid taxes and interest, together with reasonable attorney's
fees and costs.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad
valorem property taxes for nongovernmental persons and shall be based on the valuation of the
property determined by the city of Laconia for such purpose, subject to any equalization or
proportionality factor to be applied within such municipality. If the lessee or authority determines
that any valuation made by the city is excessive, it may seek a reduction of the valuation by
following the procedures prescribed in RSA 76 for the abatement of taxes.

IV. Notwithstanding any other provision of law:
(a) Security for all land and buildings within the lakes region facility owned by the
authority shall be provided by the authority or other agencies of the state.

(b) Primary responsibility for maintenance of the physical plant shall remain with the
department of administrative services with coordination and cooperation from the authority until
such time as a parcel is sold.

(c) Until such time as the city of Laconia begins collecting municipal taxes on any
property or interest in property at the lakes region facility, any police or fire services provided to the
authority by the city of Laconia shall be provided and reimbursed as set forth in a contract with the
authority.

(d) At such time as the city of Laconia begins collecting municipal taxes on any property
or interest in property at the lakes region facility, the city shall provide police, fire, and other
municipal services to such properties on the same terms and conditions as provided by the city to all
other residents and businesses within the city of Laconia shall be provided.

12-P:13 Distribution of Excess Revenues.

I. To the extent consistent with grants, loans, or other obligations incurred by the authority,
revenues of the authority in excess of projected operating costs and capital requirements for each
state biennial period may be distributed by the board, in its sole discretion, within 30 days of the end
of the authority's fiscal year to the state treasurer for deposit in the general fund.

II. Before any excess revenues are distributed pursuant to paragraph I, the authority shall
reimburse in full on a pro rata basis the state and the city of Laconia for any funds provided to the
authority since July 1, 2020.

III. The annual report prepared by the authority pursuant to RSA 12-P:19 shall include a
detailed explanation of any distribution of excess revenues made pursuant to this section or of any
decision by the board not to make such distribution.

12-P:14 Liability of State and Limited Municipal Liability. All obligations and liabilities
incurred by the authority related to its property or projects, whether arising from contracts or
otherwise, shall be subject to appropriations by the state. They shall not be deemed a debt of or
obligation of any political subdivision thereof.

12-P:15 Operating Budget. The authority shall comply with the requirements of RSA 9:1
through 9:9, relative to the budget, except that any appropriation made to the former lakeshore
redevelopment planning commission established pursuant to RSA 10:5, including but not limited to
appropriations to the commission in 2017, 240, and 2019, 345, shall be transferred to and available
for expenditure by the authority upon the repeal of RSA 10:5 through RSA 10:10 and shall not lapse.

12-P:16 Matching Grants. The state treasurer is authorized to borrow upon the credit of the
state a sum not exceeding $1,000,000 to make a loan or loans to the authority to be used for the
purposes of matching funds for United States Economic Development Administration grants and
other available grants. General obligation bonds and notes shall be issued in the name of and on
behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any
such loan shall be determined by the state treasurer and the governor and council may impose such
other conditions as they may deem appropriate. Payments of principal and interest on the bonds or
notes issued under this paragraph shall be made when due from the general fund of the state.

12-P:17 Matching Funds. The state treasurer is authorized to borrow upon the credit of the
state a sum not exceeding $1,000,000 to make a loan or loans to the authority to be used solely for
the purposes of matching public and private funds. General obligation bonds and notes shall be
issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The
terms and conditions of any such loan shall be determined by the state treasurer and the governor
and council may impose such other conditions as they may deem appropriate. Payments of principal
and interest on the bonds or notes issued under this paragraph shall be made when due from the
general fund of the state.

12-P:18 Lakes Region Development Authority Fund; Expenditure of Other Revenues.

I. There is hereby established the lakes region development authority fund into which shall
be credited any sums appropriated to the authority for each fiscal year and any funds generated
from any project or activity of the authority, including sale of any authority property.

II. All sums in the lakes region development authority fund shall be nonlapsing and
continually appropriated to the authority for the following purposes:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise
deal in and with authority property, an authority project, or any interest therein, whether tangible
or intangible, as otherwise authorized under this chapter;

(b) To pay the costs of operating, maintaining, improving, and repairing all property and
projects of the authority;

(c) To pay the costs of administering and operating the authority, including, but not
limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive
director;

(d) To pay the principal of, and premium, if any, and the interest on the outstanding
bonds of the state related to property or projects of the authority as the same become due and
payable;

(e) To create and maintain a capital improvement fund for property and projects of the
authority to be established by the board in an amount not more than $5,000,000;

(f) To pay any taxes that may be owed by the authority related to property or projects of
the authority;

(g) To pay any excess revenues authorized pursuant to RSA 12-P:13; and

(h) In general for the payment of all expenses incident to the management and operation
of the authority as are consistent with its statutory purpose and as the board thereof may from time
to time determine.
III. Revenues received and due to the authority from all other sources, except as provided in paragraph I, from whatever source derived, shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

12-P:19 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house finance committee, the senate finance committee, the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-P:20 Construction and Effect of Other Laws.

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. The sale, lease, rental, conveyance, purchase, acquisition, ownership, improvement, transfer, or otherwise dealing in and with authority property, an authority project, or any interest therein, whether tangible or intangible, may be undertaken and executed as otherwise authorized under this chapter without regard to any provision of law relating to the state land or property, tangible or intangible.

IV. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures, including, but not limited to, rules regulating the conduct of hearings. The authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority within 7 days of such adoption, amendment, or repeal. All such rules and bylaws shall be made available to the public on the authority's website.

V. The provisions of this chapter shall be liberally construed in order to effect its purpose.

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

60 New Subparagraph; Application of Receipts; Lakes Region Development Authority Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys in the lakes region development authority fund established in RSA 12-P:18.

61 Reference Changed; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:
99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced
against a present or former officer, trustee, official, or employee of the state or any agency thereof,
including members of the New Hampshire national guard and any justice of the district, municipal,
probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor
master appointed by the Pease development authority, division of ports and harbors, or officials and
employees of the New Hampshire housing finance authority, or directors, officers, and employees of
the Pease development authority, members and employees of the [lakeshore redevelopment planning
commision] lakes region development authority, or directors, officers, and employees of the land
and community heritage investment authority seeking equitable relief or claiming damages for the
negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide
representation for him or her, and the attorney general, or, in the case of a claim or civil action
commenced against the attorney general, the governor and council, determines that the acts
complained of were committed by the officer, trustee, official, or employee while acting within the
scope of official duty for the state and that such acts were not wanton or reckless, the attorney
general shall represent and defend such person with respect to such claim or throughout such action,
or shall retain outside counsel to represent or defend such person, and the state shall defray all costs
of such representation or defense, to be paid from funds not otherwise appropriated. In such case
the state shall also protect, indemnify, and hold harmless such person from any costs, damages,
awards, judgments, or settlements arising from the claim or suit. The attorney general or governor
and council shall not be required to consider the request of such person that representation be
provided for him or her unless within 7 days of the time such person is served with any summons,
complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof
to the attorney general or, in the case of an action against the attorney general, to the governor and
council. As a condition to the continued representation by the attorney general and to the obligation
of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall
cooperate with the attorney general in the defense of such claim or civil action. No property either
real or personal of the state of New Hampshire shall be subject to attachment or execution to secure
payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of
final judgment in any action brought under this chapter, the governor shall draw a warrant for said
payment out of any money in the treasury not otherwise appropriated, and said sums are hereby
appropriated. The attorney general shall have the authority to settle any claim brought under this
chapter by compromise and the amount of any such settlement shall be paid as if the amount were
awarded as a judgment under this chapter. Indemnification by the state under this section shall be
for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by
any such officer, trustee, official, or employee, and the state shall not pay any amounts for which
payment is the obligation of any insurance carrier or company under a policy or policies of insurance
or any other third party under a similar obligation.
62 Application of Repeal; Lapse of Funds. RSA 12-P, the lakes region development authority, shall be in effect until its repeal on June 30, 2026. Upon the repeal of RSA 12-P and to the extent consistent with any conditions or restrictions on the use of all or any portion of the funds of the lakes region development authority, any funds held by the authority in the lakes region development authority fund at such time as the authority ceases to exist under state law shall be used to repay any outstanding bond obligations incurred by the state pursuant to RSA 12-P and any other funds thereafter remaining shall be forfeited to the general fund of the state, and, simultaneously therewith, any property or interest in property, tangible or intangible, held or otherwise controlled by the authority prior to the lapse of the authority shall be transferred to the department of administrative services.

63 Repeal of Chapter; June 30, 2026. RSA 12-P, relative to the lakes region development authority, is repealed.

64 Repeal. RSA 10:5 through RSA 10:10, relative to the lakeshore redevelopment planning commission, is repealed.

65 Brewster Academy; Composition and Election of Board of Trustees. Amend 1887, 167:3, as amended by 1951, 333:1; 1953, 313:1; 1965, 455:1; 1975, 153:2; and 2010, 5:4 to read as follows:

SECT. 3. The board of trustees shall be composed of not less than nine nor more than thirty members as fixed in Brewster Academy's bylaws, or in the absence of any such bylaw provision, as from time to time expressly determined by resolution of the trustees. Not less than five nor more than twenty-one members shall be elected members as hereinafter provided. Three of the members of the board shall be three trustees under the seventh or residuary clause of the will of John Brewster. The trustees under said will and their several successors in said trust under said will shall each be members of the board of trustees of the Academy for so long as they severally remain trustees under said will. One of the members of the board shall be a representative of the Brewster Academy alumni association who shall serve for one year from the date of his or her election. At each annual meeting approximately one-third of the trustees to be elected shall be elected to serve for three years to succeed those whose terms then expire. The retiring members shall be eligible for reelection but shall have no vote in such election. If a vacancy shall occur among the aforesaid elected trustees or their successors or the trustee from the Brewster Academy alumni association, the board of trustees may elect a trustee to serve for the unexpired balance of the affected term. The head of the academy shall be selected by the board of trustees and may attend meetings of the board of trustees but shall not have a vote therein.

66 Brewster Academy; Amendments to Charter. Notwithstanding any provision of law to the contrary, the board of trustees of Brewster Academy may amend the charter of Brewster Academy in accordance with the provisions of RSA 292:7.

67 Administrators and Their Appointment; Waiver of Administration. Amend RSA 553 by inserting the following new subdivision heading preceding RSA 553:32:
Waiver of Administration

68 Waiver of Administration. RSA 553:32, I-II are repealed and reenacted to read as follows:

I. (a) Notwithstanding any provision of law, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets in any of the following circumstances:

(1) Whenever a decedent dies testate and an individual is named in the will as the sole beneficiary of the decedent's estate and is appointed to serve as administrator.

(2) Whenever a decedent dies testate and all individuals named in the will as beneficiaries of the decedent's estate are appointed to serve as co-administrators or any appropriate person is appointed to serve as administrator with the assent of all such beneficiaries.

(3) Whenever a decedent dies testate, a trust is named in the will as the sole beneficiary of the estate, and any appropriate person, including one or more trustees of such trust, is appointed to serve as administrator with the assent of all such trustees.

(4) Whenever a decedent dies intestate and an individual, including a surviving spouse, is the sole heir of the decedent's estate and is appointed to serve as administrator.

(5) Whenever a decedent dies intestate and all heirs of the decedent's estate, including a surviving spouse, if any, are appointed to serve as co-administrators or any appropriate person is appointed to serve as administrator with the assent of all such heirs.

(6) Whenever, in the discretion of the court, the court determines it is appropriate under the circumstances.

(b) Administration of the estate shall be completed upon the administrator's filing, and the probate court’s approval, of an affidavit of administration. Such filing shall occur not less than 6 months and no more than one year after the date of appointment of the administrator. Upon motion of the administrator, for good cause shown, the court may extend the one year deadline for filing the affidavit of administration. The affidavit of administration shall state that to the best of the knowledge and belief of the administrator there are no outstanding debts or obligations attributable to the decedent's estate and shall list all real estate owned by the decedent at the time of death, including the location, book, and page.

(c) If the administrator fails to file the affidavit of administration within the time prescribed in subparagraph (b), including any extensions granted, the court may take appropriate action in the discretion of the court, including, but not limited to, issuing a notice of default, a show cause order, or requiring full administration of the estate.

II. (a) Any interested person may petition for a full administration of the estate at any time from the original grant of administration to the filing of the affidavit of administration, and such petition may be granted by the probate court for good cause shown.

(b) Where full administration is granted subsequent to an original grant of administration under this section, the deadlines for filing an inventory in RSA 554:1, RSA 554:26-a,
and RSA 553:13, I(a), and for filing an account of administration in RSA 554:26-a, shall run from the
date of the grant of full administration. All other deadlines, including but not limited to the deadline
to request proof in solemn form in RSA 552:7, the notice to legatees and heirs at law in RSA 552:15,
the publication of notice of appointment in RSA 553:16, the requirement that an estate be open for at
least 6 months before a motion for summary administration may be filed in RSA 553:33, II, for
petitioning to distribute assets of an insolvent estate in RSA 554:19-b, the deadline for waiver or
release of the will and homestead rights and election of statutory rights by a surviving spouse in
RSA 560:10 and RSA 560:14, and deadlines relating to suits in RSA 556, shall run from the original
grant of administration.

69 Distribution Upon Intestacy. Amend RSA 561:1, (e) to read as follows:

(e) If there are surviving issue of the decedent one or more of whom are not issue of the
surviving spouse, the first $100,000, plus 1/2 of the balance of the intestate estate.

70 Uniform Power of Attorney Act; Agent's Authority and Agent's Acceptance or Declination.
Amend RSA 564-E:113(a) to read as follows:

(a) A person designated as agent under a general power of attorney shall have no
authority to act as agent unless, at any time prior to exercising the power granted under the general
power of attorney and not necessarily at the time the general power of attorney is signed by the
principal, the person has signed (other than by electronic signature) and affixed to the general power
of attorney an acknowledgment in substantially the following form:
I, _______________________, have read the attached power of attorney and am the person identified
as the agent for the principal. I hereby acknowledge that when I act as agent, I am given power
under the power of attorney to make decisions about money, property, or both belonging to the
principal, and to spend the principal's money, property, or both on the principal's behalf, in
accordance with the terms of the power of attorney. When acting as agent, I have duties (called
"fiduciary duties") to act in accordance with the principal's reasonable expectations to the
extent actually known by me and, otherwise, in the principal's best interest, to act in good faith,
and to act only within the scope of authority granted in the power of attorney, as well as other duties
imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not
entitled to use the money or property for my own benefit or to make gifts to myself or others unless
the power of attorney specifically gives me the authority to do so. As an agent, my authority under
the power of attorney will end when the principal dies and I will not have authority to manage or
dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under
the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If
there is anything about the power of attorney, or my duties under it, that I do not understand, I
understand that I should seek professional advice.

71 Uniform Powers of Attorney Act; Authority That Requires Specific Grant. Amend RSA 564-
E:201(a)(8) to read as follows:
(8) exercise authority over the content of electronic communications sent or received by the principal pursuant to RSA 554-A:9.

72 Uniform Power of Attorney Act; Gifts. Amend RSA 564-E:217(a) to read as follows:

(a) In this section, [a "gift" for the benefit of a person] "gift" includes, without limitation, a gift for the benefit of a person, including without limitation, a gift to a trust, a gift to an account under the Uniform Transfers to Minors Act, and a gift to a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code section 529, 26 U.S.C. section 529, as amended.

73 Uniform Power of Attorney Act; Statutory Form Power of Attorney. Amend RSA 564-E:301 to read as follows:

564-E:301 Statutory Form Power of Attorney. A document substantially in the following form may be used to create a power of attorney that is in compliance with the provisions of this chapter.

It is not required that a document be substantially in the following form in order to create a power of attorney that is in compliance with the provisions of this chapter:

NEW HAMPSHIRE

STATUTORY POWER OF ATTORNEY

INFORMATION CONCERNING THE POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Notice to the Principal: As the "Principal," you are using this Power of Attorney to grant power to another person (called the "Agent") to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Unless you have expressly provided otherwise in this Power of Attorney, your Agent will have these powers before you become incapacitated, and unless you have expressly provided otherwise in this Power of Attorney, your Agent will continue to have these powers after you become incapacitated. You have the right to retain this Power of Attorney and to release it later or to request that another person retain this Power of Attorney on your behalf and release it only if one or more conditions specified in advance by you are satisfied. You have the right to revoke or take back this Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Power of Attorney that you do not understand, you should seek professional advice.

Principal's Signature:

Date:

1. DESIGNATION OF AGENT

I, (Name of Principal), of (Address of Principal), name the following person as my agent:
1 Name of Agent:
2 Agent's Address:
3 2. DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)
4 If my agent is unable or unwilling to act for me, I name the following person as my successor agent:
5 Name of Successor Agent:
6 Successor Agent's Address:
7 If my successor agent is unable or unwilling to act for me, I name the following person as my second
8 successor agent:
9 Name of Second Successor Agent:
10 Second Successor Agent's Address:
11 3. REVOCATION OF EXISTING POWERS OF ATTORNEY
12 (Initial the following statement if it is your choice.)
13 _____ This Power of Attorney revokes all existing powers of attorney, except for powers of
14 attorney relating to health care, previously executed by me.
15 4. GRANT OF GENERAL AUTHORITY
16 (Initial beside your choice of A or B, but not both.)
17 _____ A. I grant my agent general authority to act for me in all matters, including, without
18 limitation, all of the subjects enumerated in B below.
19 _____ B. I grant my agent general authority over the following subjects [as defined in the following
20 sections of the Uniform Power of Attorney Act]:
21 (Initial each subject you want to include in the agent's general authority.)
22 _____ Real Property as defined in RSA 564-E:204
23 _____ Tangible Personal Property as defined in RSA 564-E:205
24 _____ Stocks and Bonds as defined in RSA 564-E:206
25 _____ Commodities and Options as defined in RSA 564-E:207
26 _____ Banks and Other Financial Institutions as defined in RSA 564-E:208
27 _____ Operation of Entity or Business as defined in RSA 564-E:209
28 _____ Insurance and Annuities as defined in RSA 564-E:210
29 _____ Estates, Trusts and Other Beneficial Interests as defined in RSA 564-E:211
30 _____ Claims and Litigation as defined in RSA 564-E:212
31 _____ Personal and Family Maintenance as defined in RSA 564-E:213
32 _____ Benefits from Governmental Programs or Civil or Military Service as defined in RSA 564-
33 E:214
34 _____ Retirement Plans as defined in RSA 564-E:215
35 _____ Taxes as defined in RSA 564-E:216
36 _____ Digital Assets as defined in RSA 554-A:2(10)
37 5. GRANT OF SPECIFIC AUTHORITY (OPTIONAL)
(Initial each subject you want to include in the agent’s authority. CAUTION: As to some of the following subjects, granting your agent authority will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

_____ Create, amend, revoke, or terminate an inter vivos trust

(If you have granted your agent the authority to create, amend, revoke, or terminate an inter vivos trust, then initial the following statement if it is your choice.)

_____ My agent may create, amend, revoke, or terminate an inter vivos trust to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.

_____ Make a gift, subject to the limitations of RSA 564:E:217. [Uniform Power of Attorney Act]

(If you have granted your agent the authority to make a gift, then as to each of the following statements, initial beside it if it is your choice.)

_____ My agent may make a gift, even if it will leave me without sufficient assets or income to provide for my care without relying on Medicaid, other public assistance or charity.

_____ My agent may make a gift to himself or herself and to any individual to whom my agent owes a legal obligation of support.

_____ Create or change rights of survivorship

(If you have granted your agent the authority to create or change rights of survivorship, then initial the following statement if it is your choice.)

_____ My agent may create or change rights of survivorship to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.

_____ Create or change a beneficiary designation

(If you have granted your agent the authority to create or change a beneficiary designation, then initial the following statement if it is your choice.)

_____ My agent may create or change a beneficiary designation to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.

_____ Reject, renounce, disclaim, release, or consent to a reduction in or modification of my share in, or a payment to me from, an estate, trust, or other beneficial interest, to benefit my agent or any individual to whom my agent owes a legal obligation of support.

_____ Delegate authority granted under this Power of Attorney to another person.

_____ Waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.
(If you have granted your agent the authority to waive your right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan, then initial the following statement if it is your choice.)

_____ My agent may waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan, to benefit himself or herself or any individual to whom my agent owes a legal obligation of support.

_____ Exercise the fiduciary power(s) that I have the authority to delegate as specified in the "Special Instructions" in Paragraph [7] 6 of this Power of Attorney.

_____ Exercise authority over the content of electronic communication sent or received by me pursuant to RSA 554-A:9.

_____ Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks.

6. LIMITATION ON AGENT'S AUTHORITY (OTHER THAN GIFTING)

(If an agent (including successor agent) named in this Power of Attorney is someone other than an ancestor of yours, your spouse, or a descendant of yours, you must initial the following statement if it is your choice that such agent have the following authority. An agent who is an ancestor of yours, your spouse, or a descendant of yours already has the following authority under New Hampshire law.)

_____ My agent may exercise authority under this Power of Attorney to create in my agent, or in an individual to whom my agent owes a legal obligation of support, an interest in my property by any manner (other than a gift), including, without limitation, by right of survivorship, beneficiary designation, or disclaimer.

7. SPECIAL INSTRUCTIONS (OPTIONAL)

(Here you may include special instructions. You may leave this Paragraph blank. You may attach additional pages as necessary.)

[8.] 7. EFFECTIVE DATE AND AUTHORITY OF AGENT

This Power of Attorney is effective immediately unless I have stated otherwise in the Special Instructions in Paragraph [7] 6 of this Power of Attorney. An agent (including successor agent) named in this Power of Attorney will have no authority to act as my agent until he or she has signed and affixed to this Power of Attorney an acknowledgment that is substantially the same as the Acknowledgment at the end of this Power of Attorney.

[9.] 8. GOVERNING LAW

This Power of Attorney shall be governed by the laws of the State of New Hampshire.

[10.] 9. RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon this Power of Attorney if it is acknowledged before a notary public or other individual authorized to take acknowledgments (or a copy of the acknowledged Power of Attorney), unless that person knows it is void, invalid, or terminated.
SIGNATURE AND ACKNOWLEDGMENT

(You must date and sign this Power of Attorney. If you are physically unable to sign, it may be
signed by someone else writing your name, in your presence and at your express direction. This
Power of Attorney must be acknowledged before a notary public or other individual authorized by
law to take acknowledgments.)

Principal's Signature:
Principal's Printed Name:
Principal's Address:
Date:

STATE OF NEW HAMPSHIRE
COUNTY OF _____________
The foregoing Power of Attorney was acknowledged before me on ____________, by
___________, known to me or satisfactorily proven to be the person named herein
Signature of Notarial Officer:

Title (and Rank):
My commission expires:

AGENT ACKNOWLEDGMENT
Notice to Agent: You will have no authority to act as agent under this Power of Attorney until you
sign and affix this acknowledgment to the Power of Attorney.
I, _________________, have read the attached power of attorney and am the person identified
as the agent for the principal. I hereby acknowledge that when I act as agent I am given power
under the power of attorney to make decisions about money, property, or both belonging to the
principal, and to spend the principal's money, property, or both on the principal's behalf, in
accordance with the terms of the power of attorney. When acting as agent, I have duties (called
"fiduciary duties") to act in accordance with the principal's reasonable expectations to the
extent actually known by me and, otherwise, in the principal's best interest, to act in good faith,
and to act only within the scope of authority granted in the power of attorney, as well as other duties
imposed by law to the extent not provided otherwise in the power of attorney. As an agent, I am not
entitled to use the money or property for my own benefit or to make gifts to myself or others unless
the power of attorney specifically gives me the authority to do so. As an agent, my authority under
the power of attorney will end when the principal dies and I will not have authority to manage or
dispose of any property or administer the estate of the principal. If I violate a fiduciary duty under
the power of attorney, I may be liable for damages and may be subject to criminal prosecution. If
there is anything about this power of attorney, or my duties under it, that I do not understand, I
understand that I should seek professional advice.

Agent's Signature:
Date:
Applicability.

I. Section 68 of this act shall apply to all petitions for estate administration filed on or after July 1, 2020 regardless of the date of the decedent's death.

II. Section 69 of this act shall apply to decedents dying on or after July 1, 2020.

III. Section 70 of this act shall apply to general powers of attorney executed on or after July 1, 2020.

Purposes. The general court finds:

I. Through the development of thoughtful, innovative laws, New Hampshire has become one of the best legal environments for trusts, trust companies, fiduciaries, and fiduciary services.

II. This legal environment attracts individuals and families to the state and section 76 of this act further reinforces the state’s long tradition of protecting settlor intent and further facilitates the administrations of trusts and estates.

III. Section 76 of this act replaces New Hampshire's existing and obsolete Uniform Disclaimer of Property Interests Act by removing the 9-month time limit for disclaimers, expanding the prior definition of “disclaimer” to include a broader range of property, providing further instructions for when a disclaimer is delivered and under what circumstances it becomes effective, clarifying the result of refusing property or powers through a disclaimer, creating rules for several types of disclaimers that have not been explicitly addressed in the prior act, providing rules for the disclaimer of powers held in a fiduciary capacity, specifically allowing a partial disclaimer of an interest in property, and clarifying that the disclaimed interest passes without direction by the disclaimant.

Uniform Disclaimer of Property Interests Act. RSA 563-B is repealed and reenacted to read as follows:

CHAPTER 563-B
UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT

Article 1
Short Title

563-B:1 Short Title. This chapter may be cited as the “Uniform Disclaimer of Property Interests Act.”

Article 2
Application

563-B:2 Application. This chapter applies to disclaimers of any interest in or power over property, whenever created.

Article 3
Definitions

563-B:3 Definitions. For purpose of this chapter, the following definitions shall apply:
(a) “Disclaimant” means the person to whom a disclaimed interest or power would have passed had the disclaimer not been made.

(b) “Disclaimed interest” means the interest that would have passed to the disclaimant had the disclaimer not been made.

(c) “Disclaimer” means the refusal to accept an interest in or power over property.

(d) “Fiduciary” means a personal representative, trustee, agent acting under a power of attorney, or other person authorized to act as a fiduciary with respect to the property of another person.

(e) “Jointly held property” means property held in the name of 2 or more persons under an arrangement in which all holders have concurrent interests and under which the last surviving holder is entitled to the whole of the property.

(f) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

(g) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, recognized by federal law or formally acknowledged by a state.

(h) “Trust” means:

   (1) An express trust, charitable or noncharitable, with additions thereto, whenever and however created as defined in RSA 564-A:1; and

   (2) A trust created pursuant to a statute, judgment, or decree which requires the trust to be administered in the manner of an express trust.

Article 4

563-B:4 Power to Disclaim; General requirements; When Irrevocable.

(a) Power to Disclaim.

(1) A person may disclaim, in whole or part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

(2) Except to the extent a fiduciary's right to disclaim is expressly restricted or limited by another statute of this state or by the instrument creating the fiduciary relationship, a fiduciary may disclaim, in whole or part, any interest in or power over property, including a power of appointment, whether acting in a personal or representative capacity. A fiduciary may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer
or a restriction or limitation on the right to disclaim, or an instrument other than the instrument
that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

(b) General Requirements.

(1) To be effective, a disclaimer must be in a writing or other record, declare the
disclaimer, describe the interest or power disclaimed, be signed by the person making the disclaimer,
and be delivered or filed in the manner provided in Article 12. In this Article:

(A) “Record” means information that is inscribed on a tangible medium or that is
stored in an electronic or other medium and is retrievable in perceivable form; and

(B) “Signed” means, with present intent to authenticate or adopt a record, to;

(i) Execute or adopt a tangible symbol; or

(ii) Attach to or logically associate with the record an electronic sound, symbol, or process.

(2) A partial disclaimer may be expressed as a fraction, percentage, monetary
amount, term of years, limitation of a power, or any other interest or estate in the property.

(c) When Irrevocable.

(1) A disclaimer becomes irrevocable when it is delivered or filed pursuant to Article
10 or when it becomes effective as provided in Articles 5 through 9, whichever occurs later.

(2) A disclaimer made under this chapter is not a transfer, assignment, or release.

Article 5

Disclaimer of Interest in Property

563-B:5 Disclaimer of Interest in Property.

(a) In this section:

(1) “Future interest” means an interest that takes effect in possession or enjoyment,
if at all, later than the time of its creation.

(2) “Time of distribution” means the time when a disclaimed interest would have
taken effect in possession or enjoyment.

(b) Except for a disclaimer governed by Article 6 or 7, the following rules apply to a
disclaimer of an interest in property:

(1) The disclaimer takes effect as of the time the instrument creating the interest
becomes irrevocable, or, if the interest arose under the law of intestate succession, as of the time of
the intestate's death.

(2) The disclaimed interest passes according to any provision in the instrument
creating the interest providing for the disposition of the interest, should it be disclaimed, or of
disclaimed interests in general.

(3) If the instrument does not contain a provision described in paragraph (2), the
following rules apply:
(A) If the disclaimant is not an individual, the disclaimed interest passes as if
the disclaimant did not exist.

(B) If the disclaimant is an individual, except as otherwise provided in
subparagraphs (C) and (D), the disclaimed interest passes as if the disclaimant had died
immediately before the time of distribution.

(C) If by law or under the instrument, the descendants of the disclaimant would
share in the disclaimed interest by any method of representation had the disclaimant died before the
time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who
survive the time of distribution.

(D) If the disclaimed interest would pass to the disclaimant's estate had the
disclaimant died before the time of distribution, the disclaimed interest instead passes by
representation to the descendants of the disclaimant who survive the time of distribution. If no
descendant of the disclaimant survives the time of distribution, the disclaimed interest passes to
those persons, including the state but excluding the disclaimant, and in such shares as would
succeed to the transferor’s intestate estate under the intestate succession law of the transferor’s
domicile had the transferor died at the time of distribution. However, if the transferor’s surviving
spouse is living but is remarried at the time of distribution, the transferor is deemed to have died
unmarried at the time of distribution.

(4) Upon the disclaimer of a preceding interest, a future interest held by a person
other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately
before the time of distribution, but a future interest held by the disclaimant is not accelerated in
possession or enjoyment.

Article 6

Disclaimer of Rights of Survivorship in Jointly Held Property

563-B:6 Disclaimer of Rights of Survivorship in Jointly Held Property.

(a) Upon the death of a holder of jointly held property, a surviving holder may disclaim,
in whole or part, the greater of:

(1) A fractional share of the property determined by dividing the number one by the
number of joint holders alive immediately before the death of the holder to whose death the
 disclaimer relates; or

(2) All of the property except that part of the value of the entire interest attributable
to the contribution furnished by the disclaimant.

(b) A disclaimer under subsection (a) takes effect as of the death of the holder of jointly
held property to whose death the disclaimer relates.

(c) An interest in jointly held property disclaimed by a surviving holder of the property
passes as if the disclaimant predeceased the holder to whose death the disclaimer relates.
Disclaimer of Interest by Trustee

563-B:7 Disclaimer of Interest by Trustee. If a trustee disclaims an interest in property that otherwise would have become trust property, the interest does not become trust property.

Article 8

Disclaimer of Power of Appointment or Other Power

Not Held in a Fiduciary Capacity

563-B:8 Disclaimer of Power of Appointment or Other Power Not Held in a Fiduciary Capacity. If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

(a) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

(c) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

Article 9

Disclaimer by Appointee, Object, or Taker in Default of Exercise of Power of Appointment

563-B:9 Disclaimer by Appointee, Object, or Taker in Default of Exercise of Power of Appointment.

(a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

(b) A disclaimer of an interest in property by an object or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

Article 10

Disclaimer of Power Held in Fiduciary Capacity

563-B:10 Disclaimer of Power Held in Fiduciary Capacity.

(a) If a fiduciary disclaims a power held in a fiduciary capacity which has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If a fiduciary disclaims a power held in a fiduciary capacity which has been exercised, the disclaimer takes effect immediately after the last exercise of the power.
(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so
provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for
whom the fiduciary is acting.

Article 11
Delivery or Filing

563-B:11 Delivery or Filing.
(a) In this section, “beneficiary designation” means an instrument, other than an
instrument creating a trust, naming the beneficiary of:
   (1) An annuity or insurance policy;
   (2) An account with a designation for payment on death;
   (3) A security registered in beneficiary form;
   (4) A pension, profit-sharing, retirement, or other employment-related benefit plan;
   or
   (5) Any other non-probate transfer at death.
(b) Subject to subsections (c) through (l), delivery of a disclaimer may be effected by
   personal delivery, first-class mail, or any other method likely to result in its receipt.
   (c) In the case of an interest created under the law of intestate succession or an interest
   created by will, other than an interest in a testamentary trust:
   (1) A disclaimer must be delivered to the administrator of the decedent’s estate; or
   (2) If no administrator is then serving, it must be filed with a court having
   jurisdiction to appoint the personal representative.
   (d) In the case of an interest in a testamentary trust:
   (1) A disclaimer must be delivered to the trustee then serving, or if no trustee is then
   serving, to the administrator of the decedent's estate; or
   (2) If no administrator is then serving, it must be filed with a court having
   jurisdiction to enforce the trust.
   (e) In the case of an interest in an inter vivos trust:
   (1) A disclaimer must be delivered to the trustee then serving;
   (2) If no trustee is then serving, it must be filed with a court having jurisdiction to
   enforce the trust; or
   (3) If the disclaimer is made before the time the instrument creating the trust
   becomes irrevocable, it must be delivered to the settlor of a revocable trust or the transferor of the
   interest.
   (f) In the case of an interest created by a beneficiary designation which is disclaimed
   before the designation becomes irrevocable, the disclaimer must be delivered to the person making
   the beneficiary designation.
(g) In the case of an interest created by a beneficiary designation which is disclaimed after the designation becomes irrevocable:

(1) The disclaimer of an interest in personal property must be delivered to the person obligated to distribute the interest; and

(2) An attested copy of the disclaimer of an interest in real property must be recorded in the office of registry of deeds of the county where the real property that is the subject of the disclaimer is located.

(h) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer must be delivered to the person to whom the disclaimed interest passes.

(i) In the case of a disclaimer by an object or taker in default of exercise of a power of appointment at any time after the power was created:

(1) The disclaimer must be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

(j) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) The disclaimer must be delivered to the holder, the personal representative of the holder's estate or to the fiduciary under the instrument that created the power; or

(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

(k) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer must be delivered as provided in subsection (c), (d), or (e), as if the power disclaimed were an interest in property.

(l) In the case of a disclaimer of a power by an agent, the disclaimer must be delivered to the principal or the principal's representative.

(m) Notwithstanding any right to disclaim an interest in property as provided for in this chapter, a person who has been devised real estate by testamentary instrument, or inherited under the laws of intestacy, may waive his or her rights to the property pursuant to RSA 554:18-b.

Article 12

When Disclaimer Barred or Limited

563-B:12 When Disclaimer Barred or Limited.

(a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

(1) The disclaimant accepts the interest sought to be disclaimed;

(2) The disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or
(3) A judicial sale of the interest sought to be disclaimed occurs.

(c) A disclaimer, in whole or part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

(d) A disclaimer, in whole or part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

(e) A disclaimer is barred or limited if so provided by law other than this chapter.

(f) A disclaimer of a power over property which is barred by this section is ineffective. A disclaimer of an interest in property which is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under this chapter had the disclaimer not been barred.

Article 13

Tax Qualified Disclaimer

563-B:13 Tax Qualified Disclaimer. Notwithstanding any other provision of this chapter, if as a result of a disclaimer or transfer the disclaimed or transferred interest is treated pursuant to the provisions of Title 26 of the United States Code, as now or hereafter amended, or any successor statute thereto, and the regulations promulgated thereunder, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under this chapter.

Article 14

Recording of Disclaimer

563-B:14 Recording of Disclaimer. If an instrument transferring an interest in or power over property subject to a disclaimer is required or permitted by law to be filed, recorded, or registered, the disclaimer may be so filed, recorded, or registered. Except as otherwise provided in Article 11(g)(2), failure to file, record, or register the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

Article 15

Application to Existing Relationships

563-B:15 Application to Existing Relationships. Except as otherwise provided in Article 12, an interest in or power over property existing on the effective date of this chapter as to which the time for delivering or filing a disclaimer under law superseded by this chapter has not expired may be disclaimed after the effective date of this chapter.

Article 16

Supplemented by Other Law

563-B:16 Supplemented by Other Law.

(a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.
(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a law other than this chapter.

Article 17
Uniformity of Application and Construction
563-B:17 Uniformity of Application and Construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

77 Short Title. Section 78 of this act shall be known as the Granite State Ratepayer Protection Act.

78 Public Utilities Commission; Participation in Regional Activities; Costs. Amend RSA 374-F:8 to read as follows:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices. The commission shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the commission shall consider how other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission determines to be unjust or unreasonable, including, but not limited to, unjust or unreasonable returns on equity. The commission shall directly assess gas and electric distribution utilities the costs and expenses of fulfilling its duties under this section, including the costs and expenses of assistants hired by the commission, based on the annual revenues of the utilities in the same manner as issued in assessing the annual operating expenses of the commission, or as appropriate and equitable on a case by case basis. Such costs and expenses shall not include any part of the salaries of the commissioners or of employees of the commission, or the commission’s membership fees for the New England Conference of Public Utility Commissioners and the National Association of Regulatory Utility Commissioners. The commission may make and the utilities shall pay such assessments monthly, quarterly, or annually at the commission’s election. The commission shall by order establish rate recovery mechanisms for any public utility assessment imposed pursuant to this section. Such rate recovery mechanisms shall adjust at least annually to recover any change in a utility’s assessment.
Annulment, Divorce and Separation; Term Alimony. Amend the introductory paragraph of RSA 458:19-a, II(a) to read as follows:

II.(a) The amount of a term alimony order shall be the lesser of the payee's reasonable need, or a formula based on [20] 23 percent of the difference between the parties' gross incomes at the time the order is created, unless the court finds that justice requires an adjustment. In making this calculation, gross income as defined in RSA 458:19, V shall be:

80 New Subparagraph; Annulment, Divorce and Separation; Term Alimony; Formula Percentage. Amend RSA 458:19-a, II to insert after subparagraph (b) the following new subparagraph:

(c) The formula percentage in subparagraph (a) of 23 percent is based on alimony not being deductible to the payor and taxable to the payee under federal income tax law. If alimony becomes deductible to the payor and taxable to the payee under federal income tax law, the formula shall be based on 30 percent of the difference between the parties' gross incomes.

81 Annulment, Divorce and Separation; Term Alimony; Consideration of Special Circumstances; Impact of Federal Tax Law. Amend RSA 458:19-a, IV(j) to read as follows:

(j) *The impact of federal tax law on the parties including the allocation of applicable tax-related benefits.*

(k) Any other reason the court deems material and relevant.

82 New Paragraph; Alimony Modification; Effective Date. Amend RSA 458:19-aa by inserting after paragraph I the following new paragraph:

I-a. Any modification may be retroactive as the parties may agree. If contested, an alimony modification shall not be effective prior to the date that the notice of the petition for modification was given to the other party.

83 New Paragraphs; Modification of Alimony Orders; Applicable Law Based on Filing Date of Initial Petition For Divorce or Legal Separation. Amend RSA 458:19-aa by inserting after paragraph IX the following new paragraphs:

X.(a)(1) The provisions of RSA 458:14, 458:19, 458:19-a, and 458:19-aa, as amended or inserted by 2018, 310, shall not apply to modifications of orders in cases whose initial petition for divorce or legal separation was filed prior to January 1, 2019, unless the court finds that the original order:

(A) Was based on an agreement of the parties adopting some or all of the provisions of that act; or

(B) Specified that the court was adopting some or all of the provisions of that act.

(2) Absent such a finding, modifications of these orders shall be controlled by the law in effect on the date the initial petition for divorce or legal separation was filed.

(b) Parties to any case in which the initial petition was filed prior to January 1, 2019 may agree to adopt some or all of the provisions of 2018, 310:
XI. An alimony order effective on or after January 1, 2019, including one based on an agreement of the parties, may be modified in accordance with RSA 458:19-a, II, without the need to demonstrate the findings in RSA 458:19-a, VI, provided that:

(a) The alimony order was issued pursuant to RSA 458:14, 458:19, 458:19-a, and 458:19-aa, as amended or inserted by 2018, 310;

(b) The alimony amount is greater than 23 percent of the difference in the parties gross incomes as defined in RSA 458:19-a, II(a); and

(c) The petition for modification is filed by July 1, 2021.

84 Industrial Hemp Research; Authorization. Amend RSA 433-C:2 to read as follows:

433-C:2 Authorization. An institution of higher education, as defined in 20 U.S.C. section 1001, may grow or cultivate or may contract with a private party to grow or cultivate, industrial hemp, on site or off site, for purposes of research under an agricultural pilot program or other agricultural or academic research. In addition to studying the plant's growth and cultivation, the research shall also study the economics of industrial hemp, including markets and processing. Industrial hemp grown or cultivated in accordance with this chapter shall not be considered a controlled drug or controlled substance under RSA 318-B.

85 New Paragraph; Victims' Assistance Fund; Claimant Eligibility. Amend RSA 21-M:8-h by inserting after paragraph IV the following new paragraph:

IV-a. If the commission determines the claimant is ineligible for compensation, in whole or in part, the claimant may petition the attorney general for a rehearing pursuant to RSA 541:3. The attorney general, or designee, shall review the complete record before the commission and may affirm or reverse, in whole or in part, the commission's decision. An appeal of the attorney general's decision may be taken directly to the supreme court pursuant to RSA 541:6.

86 Solid Waste Disposal Reduction Goal. Amend RSA 149-M:2 to read as follows:

149-M:2 Solid Waste Disposal Reduction Goal.

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. [The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods.] The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators.
II. [In exercising any and all powers conferred upon the department under this chapter, the
department shall use and consider criteria relevant to the waste reduction goal and disposal
hierarchy established in RSA 149-M:2 and 149-M:3. The department shall not take any action
relative to the 40 percent weight reduction goal which causes the municipalities organized under
RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on
June 26, 1990.] The general court further declares a goal to reduce the quantity by weight of
solid waste disposed in landfills and incinerators by 25 percent by the year 2030, and by 45
percent by the year 2050. For the purposes of this goal, disposal reduction targets shall
apply, on a combined basis, to disposal of municipal solid waste and construction and
demolition debris, and shall be measured against baseline quantities of these wastes
disposed of in the year 2018. For the purposes of this goal only, municipal solid waste
means solid waste generated at residences, commercial or industrial establishments, and
institutions, but excludes automobile scrap and other motor vehicle waste, infectious
waste, asbestos waste, contaminated soil and other absorbent media, sludge, industrial
process waste, and ash other than ash from household stoves. Disposal reduction may be
achieved through source reduction as well as diversion including but not limited to reuse,
recycling, and composting.

III. In exercising any and all powers conferred upon the department under this
chapter, the department shall use and consider criteria relevant to the disposal reduction
goal and solid waste management hierarchy established in this section and RSA 149-M:3.
The department shall not take any action relative to the reduction goal which causes the
municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur
penalties under legal obligations existing on June 26, 1990.

87 State Solid Waste Disposal Reduction Goal. Amend the introductory paragraph of RSA 149-
M:29, II to read as follows:

II. [At least every] Beginning October 1, 2022 [of every odd-numbered] and every even-
numbered year thereafter, the department shall prepare a report on the level of achievement in
reaching the [40 percent diversion] goal established in RSA 149-M:2 and on proposed strategies for
achieving the goal and any proposed changes to the goal. The report shall contain information
regarding:

88 State Solid Waste Plan. Amend RSA 149-M:29, I to read as follows:

I. Beginning October 1, [1998] 2021, and every [8] 10 years thereafter, the department shall
update the state's solid waste plan, which shall contain, at minimum, the following elements:

(a) Goals and strategies for solid waste management in New Hampshire that
are consistent with the provisions of this chapter.

(b) Discussion of opportunities to reduce solid waste generation through source
reduction and increase diversion through methods such as recycling and composting.
(c) Discussion of actions necessary to maintain adequate capacity for management of solid waste generated in New Hampshire.

89 Repeal. The following are repealed:

I. RSA 153-A:36 and the subdivision heading preceding RSA 153-A:36, relative to the emergency medical services personnel licensure interstate compact.

II. RSA 153-A:20, XXIV, relative to rulemaking by the department of safety regarding implementation of the compact.

90 Site Evaluation Committee; Filing Fees. Amend RSA 162-H:8-a, II(d) to read as follows:

(d) Filing fees for administrative proceedings:

(1) Petition for committee jurisdiction: $10,500.

(2) Petition for declaratory ruling: [$10,500, or $3,000 if heard by a 3-member subcommittee] $250.

(3) Certificate transfer of ownership: $10,500, or $3,000 if heard by a 3-member subcommittee.

(4) Request for exemption: $10,500, or $3,000 if heard by a 3-member subcommittee.

(5) Request to modify a certificate: $10,500, or $3,000 if heard by a 3-member subcommittee.

91 Snowmobiles; Definitions; Antique Snowmobiles. Amend the introductory paragraph of RSA 215-C:1, II to read as follows:

II. "Antique snowmobile" means a snowmobile [owned by a resident of this state] which is any of the following:

92 Water Pollution; Rulemaking. Amend RSA 485-A:6, XIV to read as follows:


93 Administrative Fines; Asbestos Management. Amend RSA 141-E:16, I(a) to read as follows:

I.(a) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed $4,000 for each offense upon any person who violates any provision of RSA 141-E:3 or any rule adopted by the commissioner under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited in the [general] fund established by RSA 141-E:12, II.

94 New Section; Fire Marshal; Exemption for Recovery Houses. Amend RSA 153 by inserting after section 10-c the following new section:
HB 1234-FN-A - FINAL VERSION  
- Page 57 -

153:10-d Exemption for Recovery Houses.

I. An owner or operator of a recovery house which is in compliance with rules adopted by the commissioner of health and human services under RSA 172-B:2, V for the voluntary registry for operators of recovery houses and/or is certified by the New Hampshire Coalition of Recovery Residences may apply to the state fire marshal and may be granted an exemption under RSA 153:5, IV from certain requirements of the state fire code, provided the following requirements are in place:

(a) A properly maintained electrical system.

(b) A properly maintained heating system, inspected and tagged annually by a qualified service technician, including a domestic sprinkler head over the unit and smoke separation from the living area.

(c) Maintained cooking appliances.

(d) Street number of the recovery house posted and visible from the street.

(e) No smoking within 10 feet of the building unless approved by the local fire department.

(f) A written evacuation plan submitted to and approved by the local fire department.

(g) Monthly evacuation drills must be conducted with documentation available for review onsite.

(h) Basement living spaces shall have an exit directly to grade.

(i) The facility shall have a minimum of 200 gross square feet per resident.

(j) Each sleeping room shall have at least one escape window that complies with the state fire marshal's most recent informational bulletin document relative to size and dimensions.

(k) Installed interconnected smoke and carbon monoxide alarms, electrically powered with battery backup, on each level and in each sleeping room. Ten year battery alarms with wireless interconnectivity may be substituted for electrically powered alarms. For occupancies exceeding 8 occupants, the installation of a complete fire alarm system, with carbon monoxide detection and automatic notification to the local fire department, shall be required.

(l) Annual compliance inspection by the local fire department.

(m) If the travel distance to an exit is greater than 75 feet, or for occupancies with living space above the second floor regardless of travel distance, there shall be 2 remote means of egress from each floor.

(n) A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building so it is readily visible to the fire department.

II. In this section, "recovery house" means a residence that provides a safe, healthy, family-like substance-free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided
that “recovery housing” shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

95 Findings and Purpose. The general court hereby finds that renewable energy policies should be technology neutral, so that one resource is not arbitrarily favored over another.

96 Electric Renewable Portfolio Standards; Electric Renewable Energy Classes. Amend RSA 362-F:4, I(c) to read as follows:

(c) Hydrogen derived from biomass fuels, water, or methane gas.

97 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, II-III to read as follows:

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

(a) Class I-$55, except for that portion of the class electric renewable portfolio standards to be met by qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3 which shall be [($25] $55 beginning January 1, [2013] 2020.

(b) Class II-$55. 


III.(a) Beginning in 2013 for Class I (except for useful thermal energy under RSA 362-F:3) and Class II, and beginning in 2021 for Class I qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3, Class III, and Class IV, the commission shall adjust these rates by January 31 of each year using 1/2 of the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor [for classes III and IV and 1/2 of such Index for classes I and II].

(b) [In lieu of the adjustments under subparagraph (a) for class III in 2015 and 2016, the class rate in each of those years shall be $45. In lieu of the adjustments under subparagraph (a) for class III in 2017, 2018, and 2019, the class rate in each of those years shall be $55.

(c) By January 31, 2020 the commission shall compute the 2020 class III rate to equal the rate that would have resulted in 2020 by the application of subparagraph (a) to the 2013 rate and each subsequent year's rate to 2020.

(d) In 2021 and thereafter, the class III rate shall be determined by application of subparagraph (a) to the prior year's rate The 2019 class rates for all classes are those in effect on December 1, 2019 as posted by the commission.

98 License Required; Exemptions. Amend RSA 184:84, V to read as follows:
V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, ice cream, frozen yogurt, or kefir shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only. **Ice cream and frozen yogurt produced and sold under this paragraph shall be packaged in containers no larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the date of manufacture.**

99 New Section; Small Groundwater Withdrawals. Amend RSA 485-C by inserting after section 25 the following new section:

485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-Hour Period for Community Water Systems. The department shall adopt rules pursuant to RSA 541-A specifying criteria and procedures to ensure a groundwater withdrawal less than 57,600 gallons over any 24-hour period from a new source of water for a community water system as defined by RSA 485:1-a and subject to RSA 485:8 does not cause an unmitigated impact to an existing private water supply well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

100 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15, III to read as follows:

III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments under a financing agreement for the purpose for which the capital reserve was established, including a lease/purchase agreement. [If the financing agreement is a lease/purchase agreement the following shall apply:

(1) The lease/purchase agreement does not contain an "escape clause" or "non-appropriation clause," and

(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.]

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds following the initial vote which ratified the financing agreement.

101 New Chapter; Customer Energy Storage. Amend RSA by inserting after chapter 374-G the following new chapter:

CHAPTER 374-H

CUSTOMER ENERGY STORAGE

374-H:1 Definitions. In this chapter:

I. "Energy storage" means any commercially available system, device, or technology capable of taking electric energy, storing it in some form of usable energy, and using that energy to either convert back into electricity for on-site use or to discharge to the grid, or to displace an electrical or thermal load at a later time.
II. "Commission" means the public utilities commission.

III. "Behind-the-meter storage" means an energy storage project that is installed on a retail electricity customer's premises and is electrically connected to the customer's side of the electric utility meter. Any energy storage not installed on the customer's side of the electric utility meter shall not be behind-the-meter storage.

IV. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage and may include energy storage constructed, owned, and/or operated by utilities subject to the same use restrictions in RSA 374-G:3, I.

V. "Bring your own device" means a program to encourage non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide the greatest value possible to the electricity system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall compensate participating behind-the-meter energy storage for a fair share, as determined by the commission, of the value it provides to the electricity system.

VI. "Non-utility" means any entity that is not a regulated utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.

VII. "Peak demand" means the total combined annual and monthly coincident peak energy demand of all utility service territories in New Hampshire.

VIII. "Utility" and "utilities" mean public utilities as defined in RSA 362:2.


I. The commission shall adopt rules clarifying policy for the installation, interconnection, and use of energy storage systems by customers of utilities, and shall incorporate the following principles into the rules:

(a) It is in the public interest to limit barriers to the installation, interconnection, and use of customer-sited, behind-the-meter energy storage systems in New Hampshire.

(b) New Hampshire's consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, subject to appropriate size and safety requirements established by the commission, without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees.

(c) Utility approval processes and any required interconnection reviews of energy storage systems shall be simple, streamlined, and affordable for customers.

(d) Utilities shall not require the installation of customer-sited meters in addition to a single net energy meter for the purposes of monitoring energy storage systems; except that the commission may authorize the requirement of metering for certain large energy storage systems, as determined by the commission.

(e) The commission may approve mechanisms for a utility to compensate a non-utility for a fair share, as determined by the commission, of the value of any transmission or distribution
costs actually avoided because of a non-utility energy storage project, to the extent practicable, based
on determinable cost components.

(f) For behind-the-meter storage, the rules or orders shall allow for a bring-your-own-
device peak reduction program. The commission may approve mechanisms for utilities to
compensate such projects for a fair share, as determined by the commission, of their peak reduction
value, as well as any transmission or distribution costs actually avoided because of the non-utility
energy storage project, to the extent practicable based on determinable cost components.

(g) Utilities shall not own behind-the-meter battery storage, with the exception of the
energy storage pilot approved by the commission in order number 26,209, including phase 2 of the
pilot, unless the commission finds, after the pilot has been fully implemented, that additional utility
ownership of behind-the-meter battery storage would be in the public interest and would not
unreasonably encumber the deployment of non-utility behind-the-meter battery storage.

II. Nothing in this section alters or supersedes either:

(a) The principles of net energy metering under RSA 362-A:9; or

(b) Any existing electrical permit requirements or any licensing or certification
requirements for installers, manufacturers, or equipment.

102 Electric Generation Equipment Funded by Public Utility; Distributed Energy Resources.
Amend RSA 374-G:3, I to read as follows:

I. The energy produced by electric generation equipment owned by the public utility shall be
used to benefit low-income customers, as an offset to distribution system losses, or the public
utility company's own use;

103 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G: 4, II to
read as follows.

II. Distributed electric generation owned by or receiving investments from an electric utility
under this section shall be limited to a cumulative maximum in megawatts of 6 percent of the
utility's total distribution peak load in megawatts. This limitation shall not apply to front-of-
meter energy storage, the energy storage pilot approved by commission order number
26,209, or demand response.

104 Meals and Rooms Tax; Definition; Gross Rental Receipts; Motor Vehicle Rentals. Amend
the introductory paragraph of RSA 78-A:3, VI to read as follows:

VI. "Gross rental receipts" means value received or promised as consideration to the owner
of a motor vehicle and any rental facilitator for [rental of the vehicle, but] a rental agreement,
including any fee, service, or other charge or amount required to be paid by the renter as a
condition for the rental agreement. The term shall not include:

105 Definition; Operator. Amend RSA 78-A:3, XIII to read as follows:
XIII. "Operator" means any person operating a hotel, charging for a taxable meal, or receiving gross rental receipts, whether as owner or proprietor or lessee, or otherwise. The term operator shall include a rental facilitator.

106 Definition; Rental Agreement. Amend RSA 78-A:3, XVIII to read as follows:

XVIII. "Rental agreement" means an agreement by the owner of a motor vehicle to provide, for not longer than 180 days, the exclusive use of that motor vehicle to another for consideration, whether directly or indirectly, through a rental facilitator or otherwise.

107 New Paragraph; Definition; Rental Facilitator. Amend RSA 78-A:3 by inserting after paragraph XVIII the following new paragraph:

 XVIII-a. "Rental facilitator" means any person having any right, access, ability, or authority to offer, reserve, book, arrange for, remarket, distribute, broker, resell, coordinate, or otherwise facilitate rental of a motor vehicle to a renter, whether directly or indirectly, through an Internet transaction or any other means whatsoever.

108 New Subparagraph; Collection of Tax; Rental Facilitator. Amend RSA 78-A:7, I by inserting after subparagraph (b) the following new subparagraph:

 (c) If the rental of a motor vehicle is offered, reserved, booked, arranged for, or otherwise facilitated in whole or in part by a rental facilitator, the rental facilitator shall demand and collect the tax from the renter. The rental facilitator shall remit the tax to the state.

109 New Paragraph; Assessment of Additional Tax; Rental Facilitator. Amend RSA 78-A:11 by inserting after paragraph I the following new paragraph:

 I-a. If a rental facilitator required to collect and remit a tax under this chapter fails to make a return, no assessment shall be made except against the rental facilitator.

110 Fish and Game Agents; Electronic Issuance. Amend RSA 214-A:2, VI-a to read as follows:

 VI-a. Notwithstanding other provisions of law to the contrary, the executive director may permit and authorized license agents to may collect from licensees an Internet transaction fee when issuing online licenses any license, registration, or permit is issued online. This Internet transaction fee shall be in addition to the agent fee as provided in RSA 214-A:4. The amount of the Internet transaction fee shall be set at the discretion of the executive director.

111 New Paragraph; Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23 by inserting after paragraph I the following new paragraph:

 I-a. A corporation, non-profit corporation, or limited liability entity doing business in New Hampshire shall pay the fee charged to a resident individual that is not a member of an organized New Hampshire nonprofit OHRV club, if the entity certifies to the law enforcement division that it is in good standing with the New Hampshire secretary of state, and that the OHRV registered will be used exclusively for business purposes and not for recreational purposes for the entire registration year.
112 Off Highway Recreational Vehicles and Trails; Registration Fees. Amend RSA 215-A:23, X to read as follows:

X. Notwithstanding the provisions of paragraph IX, [there shall be paid to the executive director] the registrant shall pay, in addition to the fees required by this section, an additional fee of $1 for each registration required by this section[. The additional fee] which shall be paid into the fish and game search and rescue fund established under RSA 206:42, the Internet transaction fee imposed pursuant to RSA 214-A:2, VI-a, and the agent fee imposed pursuant to RSA 214-A:4.

113 New Paragraph; Snowmobiles; Registration Fees. Amend RSA 215-C:39 by inserting after paragraph I the following new paragraph:

I-a. A corporation, non-profit corporation, or limited liability entity doing business in New Hampshire shall pay the fee charged to a resident individual that is not a member of an organized New Hampshire nonprofit snowmobile club, if the entity certifies to the law enforcement division that it is in good standing with the New Hampshire secretary of state, and that the snowmobile registered will be used exclusively for business purposes and not for recreational purposes for the entire registration year.

114 Snowmobiles; Registration Fees. Amend RSA 215-C:39, XI to read as follows:

XI. Notwithstanding the provisions of paragraph X, there shall be paid to the executive director, in addition to the fees required by this section, an additional fee of $1 for each registration required by this section[. The additional fee] which shall be paid into the fish and game search and rescue fund established under RSA 206:42, the Internet transaction fee imposed pursuant to RSA 214-A:2, VI-a, and the agent fee imposed pursuant to RSA 214-A:4.

115 Pooled Risk Management Programs; Membership. Amend RSA 5-B:3, I to read as follows:

I.(a) A political subdivision, by resolution of its governing body, may establish and enter into agreements for obtaining or implementing insurance by self-insurance; for obtaining insurance from any insurer authorized to transact business in this state as an admitted or surplus lines carrier; or for obtaining insurance secured in accordance with any method provided by law; or for obtaining insurance by any combination of the provisions of this paragraph. Agreements made pursuant to this paragraph may provide for pooling of self-insurance reserves, risks, claims and losses, and of administrative services and expenses associated with them among political subdivisions. To accomplish the purposes of this chapter, 2 or more political subdivisions may form an association under the laws of this state or affirm an existing association so formed to develop and administer a risk management program having as its purposes reducing the risk of its members; safety engineering; distributing, sharing, and pooling risks; acquiring insurance, excess loss insurance, or reinsurance; and processing, paying and defending claims against the members of such association.
(b) Founding organizations of existing pooled risk management programs may join the risk pool and obtain coverage allowed under subparagraphs III(f) and (g) upon approval of the governing board of the risk management program.

116 New Subparagraph; Department of Revenue Administration; Department Records Not Deemed Confidential or Privileged; Formula Used to Determine Current Use Tax Rates. Amend RSA 21-J:14, IV by inserting after subparagraph (c) the following new subparagraph:

(d) The formula used by the department to assist the current use board in their determination of current use tax rates, and all variables within that formula, including definitions of those variables, if any.

117 Net Energy Metering; Hydroelectric Generation; Exception. Amend RSA 362-A:9 by inserting after paragraph XI the following new paragraph:

XI-a. A hydroelectric generator with a nameplate or maximum rated capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational before July 1, 2020 and shares equipment or facilities with another generator or electric utility customer for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such customer generator shall be eligible to participate in net energy metering as a customer-generator in a manner consistent with all other hydroelectric customer-generators of the same nameplate or maximum rated capacity.

118 The Militia; National Guard Facilities. Amend RSA 110-B:28, I to read as follows:

I. All armories, arsenals, camps, ranges, bases, airports, and other facilities owned, leased, licensed, or maintained by the state or by the United States for the use of the New Hampshire national guard and all activities conducted therein shall be under the general charge, control of, and regulated by the adjutant general and no political subdivision of the state shall interfere with or regulate such activities. The adjutant general may use the means necessary and required, including the arming of trained personnel, to protect, guard, secure and defend and maintain all such facilities. [Use of force by any member of the New Hampshire national guard in duty status, shall be in accordance with the applicable Department of Defense, United States Army, and United States Air Force directives and instructions on rules of engagement and use of force. If mission specific rules of engagement are issued, the specific rules shall be followed, to the degree they deviate from the existing rules, for as long as military members are carrying out duties related to the mission for which the specific rules were issued.]

119 New Section; The Militia; Rules for the Use of Force. Amend RSA 110-B by inserting after section 28 the following new section:

110-B:28-a Rules for the Use of Force. Use of force by personnel, to include state employees and contractor personnel while conducting security functions at National Guard Facilities; and any
employee and member of the New Hampshire National Guard, in a duty status, shall be in accordance with adjutant general issued guidance and procedures, which, except for mission specific rules for the use of force, shall be consistent with applicable Department of Defense, Chairman of the Joint Chiefs of Staff, United States Army, or United States Air Force unclassified directives and instructions on the standing rules for use of force.

120 The Militia; Trespassers and Disturbers; Camp Regulations. Amend RSA 110-B:68, II to read as follows:

II. The adjutant general or commanding officer of any armory, arsenal, camp, range, base, or other facility of the New Hampshire national guard, or any place where any unit is performing military duty, has the authority to limit access and activities in that place. This includes the authority to take action necessary to protect, guard, secure, and defend the armory, arsenal, camp, range, base, or other facility in accordance with RSA 110-B:28 and RSA 110-B:28-a.

121 Contingencies; HB 715; HB 1494.

I. If HB 715 of the 2020 regular legislative session becomes law then new chapter RSA 374-H as inserted by section 101 of this act shall be renumbered as RSA 374-I.

II. If HB 1494 of the 2020 regular legislative session becomes law then section 9 of this act, amending RSA 21-I:29-a, I(c), shall not take effect.

122 Effective Date.

I. Sections 7,8, 11-30, 40-43, 53, 75-76, 85-90, 94-109, and 118-120 of this act shall take effect 60 days after its passage.

II. Sections 32-34 of this act shall take effect as provided in section 39 of this act.

III. Paragraphs I and III of section 38 of this act shall take effect as provided in paragraph II of section 39 of this act.

IV. Paragraphs II, IV, and V of section 38 of this act shall take effect as provided in paragraph III of section 39 of this act.

V. Sections 59-62, 64, and 67-74 of this act shall take effect July 1, 2020.

VI. Section 54 of this act shall take effect July 1, 2021.

VII. Section 46 of this act shall take effect November 1, 2023.

VIII. Section 63 of this act shall take effect June 30, 2026.

IX. The remainder of this act shall take effect upon its passage.

VETOED July 28, 2020
AN ACT relative to state and local government administration.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>STATE:</th>
<th>Estimated Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2020</td>
</tr>
<tr>
<td>Appropriation</td>
<td>$2,016,343</td>
</tr>
<tr>
<td>Revenue</td>
<td>$0</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Funding Source:</td>
<td>[ X ] General  [ ] Education  [ ] Highway  [ X ] Other - Agricultural Product and Scale Testing Fund, Pesticides Control Fund, and fee revenue; banking fees, fines, penalties and assessments; Utility Assessment revenue, Site Evaluation Committee Application and Filing Fees; Snowmobile Registration Fees; Asbestos Program Fees; Renewable Energy Fund; and Various Governmental Funds,</td>
</tr>
</tbody>
</table>

| COUNTY:                             |                                          |
| Revenue                             | $0      | Indeterminable | Indeterminable | Indeterminable |
| Expenditures                        | $0      | Indeterminable | Indeterminable | Indeterminable |

| LOCAL:                              |                                          |
| Revenue                             | $0      | Indeterminable | Indeterminable | Indeterminable |
| Expenditures                        | $0      | Indeterminable | Indeterminable | Indeterminable |

METHODOLOGY:

Sections 1-2 (replacement of heating systems in certain state-owned buildings)

This bill as amended makes an appropriation of $2,016,343 to the Department of Administrative Services in Fiscal Year 2020 for the purchase and replacement of all systems providing heat to state-owned facilities located in downtown Concord that were obtaining steam from the former Concord Steam Corporation. The appropriation shall not lapse until June 30, 2021. The Department indicates the new appropriation will serve to complete the heating conversion project which began in 2017 and is identical to an amount that lapsed from a prior appropriation.

The Department of Administrative Services indicates a balance of $2,016,343 lapsed on June 30, 2019 from an appropriation of $18,000,000 made in 2017 (Chapter 2:1, Laws of 2017) for the purchase and replacement of all systems providing heat to state facilities located at the Governor
Hugh J. Gallen state office park and state-owned buildings in downtown Concord that were obtaining steam from the Concord Steam Corporation.

The bill as amended includes a provision to extend the authority for the repayment of bonds and notes issued to fund the capital project from heating system cost savings from the State Heating System Savings Account.

**Sections 31-39 (creating animal records database)**

This bill as amended creates a database for animal health records and authorizes the Commissioner of the Department of Agriculture, Markets and Food to transfer money from the agricultural product and scale testing and pesticide control funds to establish the database for up to 2 years and shall certify the date when such database is operational. A dedicated nonlapsing continually appropriated animal records database fund is established in the department to be used for administering and maintaining the animal records database and shall draw money only from grants, appropriations and fees as specified. After the animal records database is certified as operational, the commissioner may reimburse first the integrated pest management fund, and then the agricultural product and scale testing fund, over a period of 5 years, employing any surplus over the ongoing cost of database operation and maintenance. All reimbursement transfers shall end 5 years after certification, whether or not reimbursement is completed. The bill establishes a fee not to exceed $2 fee on animal health certificates, rabies vaccines and health certificate waivers, and requires veterinarians to submit the certificates electronically to the animal records database at Department of Agriculture, Markets and Foods.

The Department of Agriculture, Markets and Food makes the following assumptions regarding the fiscal impact of this bill:

- Based on data available from the American Veterinary Medical Association regarding pet ownership, the Department estimates over 45,000 health certificates will be issued annually.
- Regarding the annual rabies vaccine, the Department estimates 77,733 dogs and 110,400 cats are vaccinated each year, for a total of about 188,000 vaccines annually. The Department assumes the fee for vaccines will be $1.25.
- Based on the above, the Department estimates the annual revenue to the animal health records database from the new fees will be $325,000 (45,000 health certificates x $2, plus 188,000 rabies vaccines x $1.25)
- A maximum of 2.5 existing full-time staff would be committed to this work. Any work beyond those resources would not get done without additional resources.
- Collection of all fees will be electronic, as part of the database functionality.
- The Department assumes the intent is for electronic submission of all files directly into the database since there are no new positions included for data entry or record
maintenance and there is no requirement for the Department to retain hard copy records.

- Dog licensing and animal control will remain local responsibilities and the submission of rabies vaccines to the health records database is intended to improve efficiency of the process by allowing town clerks to access the records for animals in their town.
- Based on discussions with possible vendors, the database would cost between $675,000 and $1,000,000 for the initial purchase and $300,000 for annual maintenance. Due to the time required for a public RFP process, approvals of the Department of Information Technology, the Department of Justice, the Governor and Executive Council, and the actual development work, the Department assumes the earliest implementation could occur would be July 1, 2022.
- Based on communications with the Division of Vital Records, the Department assumes a minimum of one full-time project manager with IT experience will be needed to oversee design and implementation of the animal health certificate database.

The bill also provides that any person who knowingly accesses, alters, destroys, or discloses program information except as authorized in this subdivision or attempts to obtain such information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony. The Judicial Branch has no information on how many additional felony cases may be brought as a result of this bill, but the Branch does have cost estimates for various case types. The estimated average cost to the Judicial Branch of a simple criminal case is $300 for fiscal year 2021 and $314 for fiscal year 2022. The estimated average cost for a routine criminal felony case is $484 in fiscal year 2021 and $498 in fiscal year 2022. These amounts do not include the cost of possible appeals. It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

**Sections 40-43 (background checks for certain persons under banking law)**

This bill as amended requires banks to pay the cost of background investigations and criminal history records checks, requires trust company directors to submit to such checks, and provides for the removal of trust company directors and officers by the bank commissioner.

The Banking Department indicates it currently may charge the actual costs of each background investigation and criminal history records check. This bill would mandate that the entity seeking the charter must pay for all costs related to the required background and criminal histories to include the cost of examination or investigation of the background and criminal history. In addition, the bill would require newly appointed directors of trust companies to
submit to background investigation and criminal history checks and pay the associated costs. The Banking Department reports the costs of such examinations and investigations and amount or revenues that would be generated are indeterminable since it is not known how many investigations or examinations would occur or how long each will take.

The Banking Department is self-funded. The Department's costs are covered by fees, fines, penalties and assessments. Revenue collected from fees, fines, penalties collected reduces the assessment imposed on all chartered entities under RSA 383:11, II. In any given year, if the revenue from fees, fines and penalties is sufficient to cover the Department's costs, no assessment is imposed. The assessment amount is dependant on revenue from examination fees, fines and penalties on all state banks, trust companies and credit unions. These amounts vary from year to year and cannot be predicted in advance.

Sections 59-64 (establishing the Lakes Region Development Authority)

This bill as amended creates the Lakes Region Development Authority (the Authority) to be managed by a 7 member board of directors and an executive director appointed by such board. The Authority shall undertake studies to effect the redevelopment and future use of the lakes region facility (the facility) and review and implement all possible options to achieve stated goals. The Authority may hire staff who shall not be subject to any personnel or civil service rules of the state. The Authority shall retain the power to establish and make final decisions regarding the applicability of land use controls and may levy and retain fines for violations of such provisions. Property or projects owned or transferred by the authority shall be exempt from property taxes and recording fees, except that any transferee, lessee or tenant shall be subject to all applicable property taxes and recording fees upon the sale, transfer or lease of such property. The provision of fire and police services by the City of Laconia shall be provided and reimbursed pursuant to a contract with the Authority until such time as the City begins collecting municipal taxes on any property or interest at the facility. Primary responsibility for maintenance of the facility shall remain with the Department of Administrative Services in cooperation with the Authority until such time as a parcel is sold.

Revenues in excess of projected operating costs and capital requirements for each state biennial period may be distributed by the board to the state treasurer for deposit in the general fund, after reimbursement to the state and City of Laconia for any funds provided to the Authority since July 1, 2020.

The State Treasurer is authorized to issue general obligation bonds for up to $1,000,000 for loans to the Authority for the provision of matching funds for United States Economic Development Administration grants and other available grants. The State Treasurer is also authorized to
issue bonds for the purpose of providing up to $1,000,000 for loans to the Authority for the provision of matching public and private funds. The nonlapsing continually appropriated Lakes Region Development Authority Fund (the fund) is created to receive any appropriations made to the Authority, any funds generated from projects or activities, including sale of property, and any other funds provided by the state. The fund shall also be used for payment of all incident expenses related to the property and for the creation of a capital improvement fund in an amount not to exceed $5,000,000.

The Authority shall be repealed effective June 30, 2026. At that time, all remaining funds held by the Authority shall be used to repay any outstanding bond obligations incurred by the state, with the balance of any funds directed to the general fund. Property held or controlled by the Authority shall be transferred to the Department of Administrative Services.

The State Treasury states the total cost of borrowing $2,000,000 (interest over the life of the bond) would be approximately $950,000. Assuming bonds would be issued in the fall of 2020; a fixed coupon of 5%; amortization over 20 years with the debt service payments structured to accommodate the first principal payment in the spring of the year following the debt issuance, paying 60% of the bonded principal amount in the first 10 years and 40% during the remaining 10 years, Treasury estimates the following state expenditures for debt service:

<table>
<thead>
<tr>
<th>Treasury State Expenditures</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Expenditures on $2 million</td>
<td>$0</td>
<td>$50,000</td>
<td>$217,000</td>
<td>$211,000</td>
</tr>
</tbody>
</table>

The Department of Administrative Services (DAS) assumes the Authority will assume operation, maintenance and repair of the property beginning July 1, 2020 (FY 2021) and DAS will continue to assume primary responsibility for maintenance of the property until it is sold. DAS assumes it will utilize funds in their current FY 2020 and FY 2021 budget to maintain the property and the Authority will pay for the costs of maintaining the property beginning on July 1, 2021 by means of a transfer (class 28) to DAS. DAS assumes the Authority will hire an executive director, administrator IV, LG 33 beginning July 1, 2020. The total budget for the Authority is estimated to include the executive director's salary and benefits, current expense, travel expenses, communications, transfers to general services, communications, contracts for operational services and matching funds to be utilized to match any Northern Border Commission funds and or any other federal, state or local funds. The estimated budget for the Authority is $973,000 in FY 2021, $1,256,000 in FY 2022 and $1,263,000 in FY 2023. Approximately $280,000 of this budgeted annual expense is to be transferred to DAS to fund the ongoing maintenance expense of the lakes region property, the Dube building and cottages.
Sections 77-78 (costs of the PUC for participation in regional activities)

This bill as amended requires the Public Utilities Commission (PUC) to directly assess gas and electric distribution utilities for the costs and expenses of fulfilling its duties under RSA 374-F:8. The statute requires the PUC to advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies, and to consider how other states’ policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission determines to be unjust or unreasonable. Certain costs, such as salaries of the commissioners or employees of the commission would be excluded from this assessment and would continue to be assessed under RSA 363-A. The result would be an allocation of the cost of regional activities to the electric and gas utilities, to whom the regional activities relate, rather than to telecommunication and relatively small water utilities that are not affected by the PUC activities under RSA 374-F:8. These cost are currently funded by a general utility assessment applicable to all utilities in the state. The bill would require the PUC to assess only electric and gas utilities for the regional activities under RSA 374-F:8.

Sections 90 (reducing the fee to file a petition for a declaratory ruling from the site evaluation committee)

This bill as amended decreases the filing fee for petitions for a declaratory ruling in energy facility siting administrative proceedings. The proposed fee is $250 and the current fee is $10,500 or $3,000 if the petition is heard by a 3-member subcommittee. The Site Evaluation Committee indicates the filing fees, enacted in July 2015, are used to compensate the public members of the Committee; to pay certain legal and administrative costs of the proceeding; and to reimburse the State agencies represented on the Committee and the Department of Justice. Expenses eligible for reimbursement include time spent in hearings and meetings, and preparation and travel related to the petitions filed. The Committee states these costs would still be incurred if no filing fees were collected. The Committee indicates the fiscal impact of the bill cannot be determined because there is no way to estimate the number of petitions that will be filed in the future. The Committee reports since the filing fees were enacted three petitions for declaratory rulings have been filed with the Committee.

Sections 91-93 (definition of antique snowmobiles, water quality rules, fines for asbestos management violations)

This bill as amended makes technical changes concerning the definition of antique snowmobile, water quality rules, and asbestos management fines.

The Department of Environmental Services indicates, prior to January 1, 2020, administrative fines for asbestos violations were deposited in the asbestos fund established in RSA 141-E:12, II. Chapter 263, Laws of 2019, (HB 614) amended RSA 141-E:16, I(a) and required the
administrative fines for asbestos violations to be deposited in the general fund. The Department understands this change in Chapter 263 was not intended and this bill would return deposit of the administrative fines to the asbestos fund instead of the general fund. There would be no impact on expenditures. There will be no change in amount of State revenue, only in the disposition of the fine revenue. There would be no fiscal impact on county or local revenues and expenditures.

The bill also changes the definition of "Antique snowmobile" to include those owned by non-residents for the purpose of registration. The Fish and Game Department indicates, in 2019 there were 206 non-resident snowmobile registrations issued for machines older than 1994 which generated $26,914 in revenue. If registered as antiques, these machines would have generated slightly less revenue ($26,574). However, because the antique registration is onetime registration, there would be reduction in annual revenue of $26,914 after the initial year.

**Sections 95-97 (renewable energy credits)**

The Public Utilities Commission (PUC) and the Department of Environmental Services (DES) indicate this bill as amended would change the alternative compliance payment (ACP) rate for all Renewable Portfolio Standard (RPS) classes to $55.00 for calendar year 2020. The ACP rates for calendar year 2020 under current statute are:

- Class I (new renewables) = $57.61
- Class I-Thermal (new thermal) = $26.18
- Class II (solar) = $57.61
- Class III (biomass/methane) = $34.53
- Class IV (small hydroelectric) = $29.06

The PUC indicates section 96 of this bill as amended would allow renewable energy generation facilities deriving hydrogen from water to certify as a Class I resource provided the facility met eligibility criteria. Should facilities certify as eligible, this would increase the number of Class I Renewable Energy Certificates (RECs) available for electricity suppliers to use for compliance. In a market based system, increased supply may lead to decreased cost for compliance (see additional market details to follow).

Section 97 establishes the alternative compliance payment (ACP) rates for all Renewable Portfolio Standard (RPS) classes as summarized below:

ACP rate for calendar (compliance) year 2020 would be:

- Class I (new renewables) = $57.61
- Class I-Thermal (new thermal) = $55.00
- Class II (solar) = $57.61
- Class III (biomass/methane) = $55.00
- Class IV (small hydroelectric) = $55.00

Beginning in 2021, the Commission shall adjust the ACP rate by \( \frac{1}{2} \) the Consumer Price Index.

Suppliers of electricity must either purchase RECs or make ACPs to satisfy statutory requirements. The ACP rate acts as a price ceiling for RECs in this market-based system. As the market for RECs is regional, and supply and demand are influenced by the different RPS policies instituted in each New England state, the market impact of changing New Hampshire's ACP rates is difficult to predict.

With this legislation, the ACP rate for Class I Thermal, Class III, and Class IV increase in comparison to existing statutory provisions. In general, if supply of RECs is low, then raising the ACP rate may cause RPS compliance costs to rise. This in turn would result in retail electric suppliers incurring increased costs, either for RECs or ACPs, which may then increase costs for electric ratepayers, including the State and its political subdivisions. Conversely, lowering the ACP rate may cause RPS compliance costs to decrease. This in turn would result in decreased costs for retail electric suppliers, either for RECs or ACPs, which may then decrease costs for electric ratepayers, including the State and its political subdivisions.

The market for RECs is a regional one, and generators across New England may be eligible to participate in REC markets in more than one state. This makes REC prices dynamic and difficult to predict. Thus, it is not possible to predict the dollar impact the changed ACP rates will have on State, County, or Local costs. It is also difficult to predict the dollar impact on the State’s Renewable Energy Fund (REF). The REF receives its revenue solely from ACPs.

**Sections 104-109 (Meals and Rooms Tax)**
This bill clarifies "operator" within the Meals and Rooms tax includes motor vehicle rental facilitators and that for each motor vehicle rental being facilitated by one of these facilitators, they must collect and remit the Meals and Rooms tax to the State. To the extent facilitators exist that do not currently collect and remit the Meals and Rooms tax when motor vehicle rental transactions are facilitated, General Fund and Education Trust Fund revenue will increase by an indeterminable amount.

**Sections 110-114 (OHRV and snowmobile registration fees)**
The Department of Fish and Game states that these sections were added to the bill at the request of the Joint Legislative Committee on Administrative Rules (JLCAR) and have no fiscal impact. The committee was considering FP 2019-194, amendments to Fis 1500 of the Fish and Game Department, which were offered in order to implement SB 187, which became Chapter 241, Laws of 2019. Effective May 1, 2020, this bill implemented changes in how OHRV and snowmobiles are registered, and changed the amount of fees charged for registrations. During the rules process, the committee became concerned that the Department did not have adequate legislative authority to charge an Internet transaction fee in certain instances, and did not have the authority to create a “business entity” registration type. These sections were drafted to clarify that legislative authority, and upon passage allow approval of the rule changes in JLCAR. Since the statutory changes of Chapter 241 were effective before the approval of the proposed rules, neither the passage of these sections regarding authority, nor the prospective approval of the proposed rules result in any incremental increase in revenue or expenses as compared to existing law. The Department reports no changes in revenue since the Department is currently collecting fees in accordance with Chapter 241. The Department reports no changes in expenditure, since the modified registration process is being conducted in accordance with the existing budget by existing staff.

**Section 117 (net energy metering, hydroelectric generation exception)**

No fiscal information available

**AGENCIES CONTACTED:**

Departments of Administrative Services; Agriculture, Markets and Food; Environmental Services; Banking; Fish and Game; Health and Human Services; Revenue Administration; State Treasury; Judicial Branch; Site Evaluation Committee; Public Utilities Commission, and New Hampshire Retirement System