AN ACT adopting omnibus legislation concerning state agencies.


COMMITTEE: Legislative Administration

AMENDED ANALYSIS

This bill:

I. Establishes earned time credit reductions for prisoners who participate in correctional industries or other programs, and authorizes the commissioner of the department of corrections to establish procedures for all earned time credit programs which shall be exempt from RSA 541-A.

II. Allows certain lots in the town of Freedom located on Spindle Point on Ossipee Lake to build seasonal docks.

III. Establishes a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute. The bill repeals various statutory boards, commissions, councils, committees, task forces and makes necessary corrections to statutory provisions. The bill also reduces the number of house and/or senate members on certain statutory committees.

IV. Revises the credit for reinsurance statute to reflect recent NAIC revisions. The bill also clarifies grounds for cancellation of commercial insurance, and makes various technical changes to the insurance laws.

V. Removes an obsolete reference to appeal of the probate court's decision regarding the termination of parental rights. The bill provides that the appeal in such cases shall be to the supreme court.

VI. Establishes a penalty for criminal trespass to include any state correctional facility, transitional housing unit, and parking area operated by the department of corrections.

VII. Removes the exemption of the child fatality review committee from RSA 91-A:3, relative to nonpublic sessions of public bodies.

VIII. Expands the authority of the department of administrative services, division of procurement and support services to authorize agencies to use procurement cards to purchase commodities and services directly from vendors.
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IX. Provides that children of members of the armed forces may retain their New Hampshire residency for purposes of a driver's license during a period of a parent's active deployment.  

X. Increases the measures that may be taken to reduce energy costs and meet state energy goals; clarifies the eligibility of power purchase agreements to be eligible mechanisms for reducing energy costs and meeting state energy goals; and modifies the way funds remaining in energy utility budgets are distributed.  

XI. Declares that certain donations, bequests, and moneys from the veterans decal plates are nonlapsing and continually appropriated to the division of veterans services.  

XII. Changes the functions of the public information and permitting office of the commissioner of the department of environmental services.  

XIII. Revises the salary grade for certain non-classified positions.  

XIV. Makes various changes to the filing process for administrative rules under RSA 541-A.  

XV. Amends the title of 2 positions in the department of health and human services.  

XVI. Establishes a procedure for voluntarily registering docks with the department of environmental services.  

XVII. Allows the department of environmental services to take emergency actions to correct hazardous dams.  

XVIII. Permits a municipality that has a local enforcement mechanism for the state building code to request that the state fire marshal issue the building permit, conduct the inspection, and issue the certificate of occupancy, for a project that requires the specialized knowledge of the fire marshal or due to staffing limitations of the municipality.  

XIX. Authorizes the commissioner of safety to appoint security officers to protect department of safety facilities and employees.  

XX. Adds cardiac electrophysiology specialist and cardiovascular invasive specialist to the licenses administered by the medical imaging and radiation therapy board. The bill also adds a requirement for a criminal history records check for medical imaging and radiation therapy license applicants, and modifies procedures for the board.  

XXI. Provides the suspension or revocation of motor carrier privileges to have motor vehicles driven in New Hampshire for default, noncompliance, or nonpayment of fines.  

XXII. Provides that, under the state board of fire control and for purposes of enforcement of the state fire code, a health care facility means a facility licensed under RSA 151.  

XXIII. Clarifies the authority of the department of administrative services, division of personnel to administer positions within the executive branch and issue personnel standards, practices and procedures, including technical assistance manuals for state agencies.  

XXIV. Uses fees from registration of commercial animal food sellers to fund the cost of care program. The bill also establishes the remote sellers of unregistered animal feed products study commission.  

XXV. Establishes an offshore wind commission. Establishes an offshore wind industry development office in the department of business and economic affairs. Includes both land based and offshore wind programs relative to renewable energy.
XXVI. Increases the age for sales and possession of tobacco products.

XXVII. Clarifies the penalty for the failure of an insured to cooperate with the auditing requirements of workers' compensation policies.

XXVIII. Clarifies behavioral health services for children and makes certain revisions to notifications of discharge for certain individuals.

XXIX. Provides that appeals of decisions under the Child Protection Act shall be to the supreme court. Appeals are currently made to the superior court. The bill also removes an outdated reference to the superior court in RSA 169-C:4.

XXX. Extends the commission to study structures on non-tidal public waterways.

XXXI. Defines specialty beverage and single serve; allows the sale of specialty beverages by beverage vendors, whole sale distributors, beverage manufacturers, grocery and drug stores, on premises licensees, and on premise cocktail lounge licenses; and assesses a fee on cases of specialty beverages.

XXXII. Adds to the requirements for an application for an exemption for large groundwater withdrawals from replacement wells.

XXXIII. Makes changes to the price of lucky 7 tickets.

XXXIV. This bill amends the membership and duties of the child fatality review committee and removes the exemption of the child fatality review committee from RSA 91-A:3, relative to nonpublic sessions of public bodies.

XXXV. This bill replaces references to "alcohol and drug free housing" with "recovery housing." The bill also requires the department of health and human services to adopt rules relative to the voluntary certification of recovery housing. This bill also establishes a committee to study state and municipal authority governing recovery housing.

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

In the Year of Our Lord Two Thousand Twenty

AN ACT adopting omnibus legislation concerning state agencies.

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

37:1 Parole of Prisoners; Earned Time Credits. Amend RSA 651-A:22-a, I to read as follows:

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or recommend that the prisoner receive a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated, and shall establish procedures for each program, which shall be exempt from RSA 541-A, for awarding such reductions:

(a) Education Programs:

(1) High School Equivalency Certificate 90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(5) Master's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(6) Doctorate Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each program under subparagraph (a) completed. [The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.]
(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. [The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.]

(d) Participation in Family Connections Center Programming. A prisoner who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. [The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.]

(e) Correctional Industries On-the-Job Training. A prisoner who is awarded a certificate or certificate of apprenticeship in a correctional industries job that is authorized and approved by the department that the commissioner deems to be valuable to the prisoner's rehabilitation shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each master's certificate earned.

(f) Other Programs. A prisoner who meaningfully participates in any program that is authorized and approved by the department that the commissioner deems to be valuable to the prisoner's rehabilitation which are not covered under subparagraphs (a) through (e) shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence for each program completed.

37:2 New Subparagraph; Docking Permits. Amend RSA 482-A:3, XIII by inserting after subparagraph (d) the following new subparagraph:

(e) Notwithstanding RSA 482-A:3, XIII(a) and (c), those lots in the town of Freedom located on the peninsula known as Spindle Point on Ossipee Lake and south of a straight line connecting 2 points located at 43 degrees, 47 minutes, 44.38 seconds north, 71 degrees, 06 minutes, 15.85 seconds west, and 43 degrees, 47 minutes, 43.24 seconds north, 71 degrees, 06 minutes, 13.41 seconds west may obtain a permit under RSA 482-A:3 to have a single 4 foot by 24 foot seasonal dock centered on the lot frontage.

37:3 Committee Established. Review of Non-regulatory Entities.

I. There is established a committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute and determine which of these entities should be repealed.

II. The members of the committee shall be as follows:
(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute and shall make recommendations relative to which such entities shall be repealed, along with any other statutory changes necessary for such repeals.

V. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

37:4 Repeal of Boards, Commissions, Councils, Committees, Task Forces. The following are repealed:

I. RSA 9-F:2, relative to the state transparency website oversight committee.

II. RSA 12-A:5 and 12-A:6, relative to the commission advisory to the commissioner of natural and cultural resources.

III. RSA 12-I:1 and 12-I:2, relative to the Northern New England interstate commission on economic development.

IV. RSA 21-I:92 - 21-I:94, relative to the task force to study state revenues and expenditures.

V. RSA 77-A:4-c, relative to the committee to study safe harbors and taxation of investment organizations.

VI. RSA 106-B:18-a, relative to the state police barracks honor roll committee.

VII. RSA 126-A:4-f, relative to the transitional Healthy Kids Silver program waiver.

VIII. RSA 126-H, relative to the Healthy Kids corporation.

IX. RSA 126-Y, relative to the palliative care center for health care consumers and providers.

X. RSA 137-L:5, relative to the provider order for life-sustaining treatment (POLST) registry advisory committee.

XI. RSA 147-A:4-a, relative to the hazardous waste facility siting board.

XII. RSA 153:16-c, relative to the advisory committee on heating system certification.

XIII. RSA 187-A:32, relative to the oversight committee to oversee the operations of the innovation research center.
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XIV. RSA 189:60 and 189:63, relative to the dropout prevention and dropout recovery oversight council and report.

XV. RSA 193-C:7 and 193-C:8, relative to the New Hampshire statewide education improvement and assessment oversight committee.

XVI. RSA 193-E:2-a, IV(c), relative to the review of academic standards by the education improvement and assessment oversight committee.

XVII. RSA 193-E:5, II, relative to education improvement and assessment oversight committee revisions to unique pupil identification.

XVIII. RSA 193-I:3-193-I:6, relative to the task force on the math learning communities program.

XIX. RSA 195-J, relative to the New Hampshire children’s savings account program.

XX. RSA 261:88, XI, relative to the walking disability plates and placards advisory committee.

XXI. RSA 284-A, relative to the gaming regulatory oversight authority.

XXII. RSA 332-I:7-332-I:10, relative to the health information organization board.

XXIII. RSA 332-I:1, II(c), relative to the definition of the health information organization.

XXIV. RSA 332-I:1, II(g) and (h), relative to the definition of the health information organization board and corporation.

37:5 References Removed; Online Access to Budget Information. Amend RSA 9-F:1, II(e) and III to read as follows:

(e) Any other information as determined by the department of information technology and the department of administrative services[ in consultation with the legislative oversight committee established in RSA 9-F:2].

III. Annually on or before October 31, a report from each agency shall be made available which shows the total amount expended during the prior fiscal year for each program providing aid or assistance to individuals. This annual report shall also document any changes in eligibility criteria or payment amount or formulas. Each agency shall prepare its annual report by analyzing and summarizing the content of its statement of appropriation. Each agency shall submit its annual report to the commissioner of administrative services on or before September 1. For the fiscal year ending June 30, 2011, each agency shall submit existing reports to fulfill the requirements of this paragraph. Beginning in the fiscal year ending June 30, 2012 and in each year thereafter, each agency’s report shall be in a format developed by the commissioner of administrative services [in consultation with the legislative oversight committee established by RSA 9-F:2].

37:6 State Parks; Advisory Commission Report. Amend RSA 216-A:3-c, VI to read as follows:

VI. The director of parks and recreation shall report biennially to the house [resources, recreation and development committee and the senate energy, environment, and economic
development committee within the biennial report pursuant to RSA 12-A:6] and senate committees
with jurisdiction over the state park system on the state of the parks and historic sites.

37:7 Reference to Hazardous Waste Siting Board. Amend RSA 147-A:3, XXV to read as follows:

XXV. Conditional exemptions from the permitting, registration, and siting requirements of

37:8 Health Insurance; Reference to Healthy Kids Association Removed. Amend RSA 404-G:2,
VII to read as follows:

VII. "Health insurance" means health insurance coverage issued in accordance with RSA
415, 420-A, or 420-B. For the purposes of this chapter, health insurance shall not include accident
only, credit, dental, vision, Medicare supplement, Medicare Risk, Medicare+Choice, Managed
Medical, long-term care, disability income, coverage issued as a supplement to a liability insurance,
workers' compensation or similar insurance, automobile medical payment insurance, policies or
certificates of specified disease, hospital confinement indemnity, limited benefit health insurance,
[coverage provided through the New Hampshire healthy kids association.] and coverage provided
through the Federal Employees' Program. Health insurance does include group excess loss
insurance.

37:9 Health and Human Services; Healthy Kids Corporation Removed. Amend RSA 126-A:5,
XIV-a (b) to read as follows:

(b) The department shall[through the New Hampshire healthy kids corporation.] allocate funds for the development of a volunteer program to promote the program to eligible
families and to identify those families who may require assistance with the application or
redetermination process, and provide training and supervision of volunteers. [The healthy kids
corporation shall coordinate with and utilize the services of Volunteer NH, AmeriCorps, and other
volunteer organizations.]

37:10 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:31
to read as follows:

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of
business and economic affairs shall enter into a grant program with the university of New
Hampshire to establish a center for innovation research at the Durham campus. Through the grant
program, the center shall provide applied and basic scientific, engineering, and associated marketing
research capability and technology transfer in support of New Hampshire's industrial and business
community. The center may pool its funds with those of other entities, either public or private, for
the purpose of delivering services to New Hampshire businesses and industries. To be eligible to
receive grant-funded services, businesses and industries must have an ongoing business within the
state or an announced intention to locate a business in the state. The center may provide services
other than grants including but not limited to: training regarding the capture and protection of
intellectual property, strategic thinking and strategy development, and writing proposals.
Assistance may be provided by the NHIRC director, by small subsidies to assist in the identification and funding of consultants to help the company, or by other creative means [approved by the NHIRC oversight committee].

37:11 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:33 to read as follows:

187-A:33 Funding. Any center project utilizing state appropriations except for certain short-term, fee-based activities [authorized by the oversight committee], shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center: the center’s research clients, profit and nonprofit organizations, the federal government, or local political subdivisions. In kind and equipment contributions may be accepted as matching funds [under criteria established by the committee].

37:12 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:33-c to read as follows:

187-A:33-c Equipment Purchases. Any center project which includes the purchase of equipment shall contain a provision that allows either the company, the university of New Hampshire, or Dartmouth College to retain possession of such equipment when the project is completed and the company has paid its matching share in full. Final disposition of equipment shall be agreed to by the company and the center [and approved by the oversight committee] in advance of a project starting date. A company which purchases equipment deemed necessary to the conduct of the project may count the purchase price as part of its matching fund requirement.

37:13 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:35, I to read as follows:

I. A program to provide assistance to inventors shall be established at the innovation research center at the University of New Hampshire at Durham. The center shall develop, implement, publicize, and operate the program within the limits of available resources and in a manner which will give greatest effect to the purposes of the program. In so doing the center may charge a reasonable fee for proposals submitted. The administrative head of the program shall be the executive director of the innovation research center. [The administrative head shall be responsible to the oversight committee established in RSA 187 A:32.]

37:14 Reference to Oversight Committee on Innovation Research Center. Amend the introductory paragraph of RSA 187-A:36 to read as follows:

187-A:36 Annual Report. The center shall submit an annual report on or before December 31 of each year to the governor[,] and the governor’s executive council[,] and the oversight committee established in RSA 187-A:32]. The report shall include statistics for the following:

37:15 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 189:66, II to read as follows:
II. The department shall develop a detailed data security plan to present to the state board, the legislative oversight committee established in RSA 193-C:7, and the commissioner of the department of information technology. The plan shall include:

37:16 References to Education Improvement Oversight Committee. Amend RSA 189:66, III(a)(2) and the introductory paragraph of RSA 189:66, III(b) to read as follows:

(2) The governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, [legislative oversight committee established in RSA 193-C:7,] and commissioner of the department of information technology.

(b) Require the department to issue an annual data security breach report to the governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, [legislative oversight committee established in RSA 193-C:7,] and commissioner of the department of information technology. The breach report shall also be posted to the department's public Internet website and shall not include any information that itself would pose a security threat to a database or data system. The report shall include:

37:17 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 193-E:3, II(a) to read as follows:

II.(a) The department of education[, with the approval of the legislative oversight committee established in RSA 193-C:7,] may implement and report data on any additional indicators deemed relevant to the purposes of this section.

37:18 Task Force Removed; Oversight Committee References; Performance-Based Accountability System. Amend RSA 193-E:3-c to read as follows

193-E:3-c Performance-Based Accountability System.

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations [to the legislative oversight committee established under RSA 193-C:7. The commissioner may establish a task force to assist with this review. The commissioner, or designee, shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members to the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of current public school pupils, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force’s duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate] for future legislation.
II. The [task force] department shall have the following duties:
   (a) Implement the performance-based accountability system to be used by schools that
       will ensure that the opportunity for an adequate education is maintained.
   (b) Identify performance criteria and measurements.
   (c) Establish performance goals and the relative weights assigned to those goals.
   (d) Establish the basis, taking into account the totality of the performance
       measurements, for determining whether the opportunity for an adequate education exists, which
       may include the assignment of a value for performance on each measurement.
   (e) Ensure the integrity, accuracy, and validity of the performance methodology as a
       means of establishing that a school provided the opportunity for an adequate education as defined in
       RSA 193-E:2-a.

III. The performance-based accountability system[, as recommended by the task force,] shall
     be based on data and indicators aligned to the New Hampshire consolidated state plan, as required
     by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the
     Every Student Succeeds Act. [This plan shall be approved by the legislative oversight committee
     established in RSA 193-C:7.]

IV. The [task force] commissioner shall submit a report of its findings with
     recommendations for future legislation for the performance-based accountability system to [the
     legislative oversight committee established under RSA 193 C:7. After the report is approved by the
     legislative oversight committee the department shall submit the report to] the chairpersons of the
     house and senate education committees, the speaker of the house of representatives, the senate
     president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each
     school on the performance-based school accountability system to be developed pursuant to this
     section, and identifying all schools that can demonstrate the opportunity for an adequate education
     through the performance-based methodology. The report shall be submitted no later than January
     15 annually to the same individuals receiving the final report under paragraph IV.

37:19 References to Education Improvement Oversight Committee. Amend RSA 193-E:3-e, IV to
read as follows:

IV. The commissioner shall provide progress reports annually to the state board [and the
     legislative oversight committee established in RSA 193-C:7] on the status and effectiveness of the
     corrective and technical assistance provided by the department in achieving the demonstration of
     adequacy by all schools.

37:20 Health Information Organization; Commissioner of health and human services. Amend
RSA 126-A:5, XX to read as follows:
XX. The commissioner shall [enter into a contract with the health information organization established pursuant to RSA 332-I to] administer the grant for the New Hampshire Information Exchange Planning and Implementation Project.

37:21 Membership; Oversight Committee on Health and Human Services. Amend RSA 126-A:13, I, to read as follows:

I. There shall be an oversight committee on health and human services consisting of [8] 5 members as follows:

(a) [3] Two members of the senate, at least one of whom shall be a member of the senate health and human services committee and one of whom shall be a member of the senate finance committee, appointed by the president of the senate; and

(b) [5] Three members of the house of representatives, [4] 2 of whom shall be from the health, human services and elderly affairs committee, and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.

37:22 Membership; State Park System Advisory Council. Amend RSA 216-A:3-kk, I(a) to read as follows:

(a) [Four] Three members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

37:23 Membership; Joint Committee on Tax Expenditure Review. Amend RSA 71-C:3, I to read as follows:

I. A joint committee on tax expenditure review is hereby established to review all qualifying tax expenditures on a rotating basis every 5 years and recommend continuance, amendment, or repeal of relevant provisions. The joint committee shall be composed of [3] 2 members of the house of representatives appointed by the speaker of the house of representatives and [2 members] one member of the senate appointed by the senate president, provided that such appointments shall include the chair or vice-chair of the ways and means committee of the respective bodies. The first meeting shall be within 60 days after the effective date of this paragraph and called by the first-named house member.

37:24 Membership; Air Pollution Advisory Committee. Amend RSA 125-J:11, I-II to read as follows:

I. There is established the air pollution advisory committee composed of the following members:

(a) [Four] Two representatives, appointed by the speaker of the house of representatives, of whom at least [2 are from] one shall be a member of the house science, technology, and energy committee. [At least] One [of the 4 representatives] representative shall be a member of a minority party.

(b) [Four] Two senators, appointed by the senate president.
(c) The governor, or designee.

I-a. The following additional members, whose terms shall be coterminous with their terms of office, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning matters subject to its purview:

(a) The commissioner of safety, or designee.

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

II. The committee shall elect a chairperson and vice-chairperson, and meetings shall be at the call of the chair or a majority of committee members. The terms of the members shall be coterminous with their terms of office.

37:25 Membership; Committee to Study Exotic Aquatic Weeds and Species; Amend RSA 487:30, II(a)(1) to read as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

37:26 Membership; New Hampshire Conservation Number Plate Advisory Committee. Amend RSA 261:97-d, I(f) and (g) to read as follows:

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

(g) Two senators appointed by the president of the senate.

37:27 Membership; OBD II Testing Advisory Committee. Amend RSA 266:59-b, VII(a)(1) and (2) to read as follows:

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

(2) One senator, appointed by the president of the senate.

37:28 Prospective Repeal Date Changed; Commission to Study Cryptocurrency. Amend 2016, 205:3, I to read as follows:

I. Section 2 of this act shall take effect November 1, 2020.

37:29 Repeal; Public Health; Licensing and Registering Boards. RSA 125:22-125:24, relative to professional and trade licensing and registering boards within the department of health and human services, are repealed.

37:30 State Workforce Innovation Fund. Amend RSA 6:12, I(b)(283) to read as follows:

(283) Moneys deposited into the New Hampshire state workforce opportunity innovation fund established in RSA 12-O:45.

37:31 Director of Economic Development; State Workforce Innovation Board. Amend RSA 12-O:20, VII to read as follows:

VII. Plan, develop, and administer programs to assist in the implementation of the Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, implement the state plan established by the governor
and the State Workforce [Opportunity Council] Innovation Board, and perform the following additional functions:

(a) Through the youth council, select youth providers of training services in the local areas.

(b) Identify eligible providers of training services in the local area.

(c) Identify eligible providers of intensive services, if not otherwise provided by the One-Stop operator.

(d) Develop a budget for carrying out the duties of the State Workforce [Opportunity Council] Innovation Board, subject to the approval of the commissioner.

(e) Oversee local programs of youth activities, local employment, and training service.

(f) Establish, in conjunction with the commissioner, local performance measures.

(g) Assist the commissioner in developing statewide employment statistics systems described in the Wagner-Peyser Act.

(h) Coordinate workforce investment activities authorized and implemented within the state with economic development strategies, and develop the employer linkages with such activities.

(i) Make available to the public, on a regular basis through open meetings, information regarding State Workforce [Opportunity Council] Innovation Board activities including information regarding the state plan prior to its submission, and information regarding membership, the designation and certification of One-Stop operators and the award of grants or contracts to eligible providers of youth activities and, as requested, minutes of formal meetings of the State Workforce [Opportunity Council] Innovation Board.

(j) Review the operation of programs and the availability, responsiveness, and adequacy of state services, and make recommendations to the governor, appropriate chief elected officials, service providers, the legislature, and general public with respect to steps to improve the effectiveness of these services and programs.

(k) Review plans of all state agencies providing employment training, and related services, and provide comments and recommendations to the governor, the legislature, the state agencies, and appropriate federal agencies on the relevancy and effectiveness of employment and training and related services delivery system in the state.

37:32 Workforce Development; State Workforce Innovation Board. Amend RSA 12-O:42 to read as follows:

12-O:42 Workforce Development. The commissioner of business and economic affairs shall work with the workforce development director to plan, develop, and administer workforce investment activities, programs, and grants under the federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, and shall discharge the day-to-day operational responsibilities and obligations of the [New Hampshire] State Workforce [Opportunity Council] Innovation Board established under RSA 12-O:44.
commissioner shall coordinate with the [New Hampshire] State Workforce [Opportunity Council] **Innovation Board** to promote state and local investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

37:33 State Workforce Innovation Board. Amend the section heading of RSA 12-O:44 and RSA 12-O:44, I through the introductory paragraph of paragraph III to read as follows:


I. There is established a [New Hampshire] State Workforce [Opportunity Council] **Innovation Board** within the bureau of workforce development.

II. Membership of the council shall be as set forth in section 111(b) of the Workforce Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time. Members of the [council board] shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall select a chairperson for the [council board] from among the members of the [council board], in accordance with 29 U.S.C. section 2821(c).

III. The [council board] shall meet no less frequently than semi-annually, shall have the powers and responsibilities of the state workforce investment board under the Workforce Investment Act of 1998, and shall assist the governor in:

37:34 State Workforce Innovation Fund. Amend RSA 12-O:45 to read as follows:


I. There is hereby established the [New Hampshire] state workforce [opportunity] **innovation** fund which shall be nonlapsing and administered by the commissioner of the department of business and economic affairs. Said fund shall be for the purpose of receiving financial assistance under the Workforce Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

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

(a) Workforce Investment Act Adult and Dislocated Worker programs.

(b) Workforce Investment Act Youth programs.

(c) Workforce Investment Act Senior Community Service Employment programs.

(d) Workforce Investment Act Disability programs.

(e) Workforce Investment Act Regional Innovation and National Emergency grant programs.

(f) Other projects, programs, or grants recognized as being beneficial to workforce development initiatives and consistent with the goals of the Workforce Investment Act.
III.(a) The department may accept gifts, grants, donations, or other moneys for the purposes of this section. Said moneys shall be deposited into the [New Hampshire] state workforce opportunity innovation fund.

37:35 Youth Council; Reference Changed. Amend RSA 188-E:13 to read as follows:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the [workforce opportunity council] State Workforce Innovation Board formed by the governor pursuant to the Workforce Investment Act of 1998:

I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

37:36 New Paragraph; Foreign Insurance Companies and Their Agents; Credit for Reinsurance. Amend RSA 405:47 by inserting after paragraph IV-a the following new paragraph:

IV-b.(a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth in this paragraph.

(1) The assuming insurer must have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A “reciprocal jurisdiction” is a jurisdiction that meets one of the following:

(A) A non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this subparagraph, a “covered agreement” is an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. sections 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(B) A U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(C) A qualified jurisdiction, as determined by the commissioner pursuant to RSA 405:47, IV-a(c), which is not otherwise described in subparagraph (A) or (B) and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in rules.

(2) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rules. If the assuming insurer is an association,
including incorporated and individual unincorporated underwriters, it must have and maintain, on
an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according
to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance
in amounts to be set forth in rules.

(3) The assuming insurer must have and maintain, on an ongoing basis, a minimum
solvency or capital ratio, as applicable, which will be set forth in rules. If the assuming insurer is an
association, including incorporated and individual unincorporated underwriters, it must have and
maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction
where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(4) The assuming insurer must agree and provide adequate assurance to the
commissioner, in a form specified by the commissioner pursuant to rules, as follows:

(A) The assuming insurer must provide prompt written notice and explanation
to the commissioner if it falls below the minimum requirements set forth in subparagraphs (a)(2) or
(3), or if any regulatory action is taken against it for serious noncompliance with applicable law;

(B) The assuming insurer must consent in writing to the jurisdiction of the
courts of this state and to the appointment of the commissioner as agent for service of process. The
commissioner may require that consent for service of process be provided to the commissioner and
included in each reinsurance agreement. Nothing in this provision shall limit, or in any way alter,
the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution
mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or
delinquency laws;

(C) The assuming insurer must consent in writing to pay all final judgments,
wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been
declared enforceable in the jurisdiction where the judgment was obtained;

(D) Each reinsurance agreement must include a provision requiring the
assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer’s
liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer
resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which
it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer
or by its legal successor on behalf of its resolution estate; and

(E) The assuming insurer must confirm that it is not presently participating in
any solvent scheme of arrangement which involves this state’s ceding insurers, and agree to notify
the ceding insurer and the commissioner and to provide security in an amount equal to 100 percent
of the assuming insurer’s liabilities to the ceding insurer, should the assuming insurer enter into
such a solvent scheme of arrangement. Such security shall be in a form consistent with the
provisions of paragraph IV-a and RSA 405:50 and as specified by the commissioner in rules.
(5) The assuming insurer or its legal successor must provide, if requested by the commissioner, on behalf of itself and any legal predecessors, certain documentation to the commissioner, as specified by the commissioner in rules.

(6) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in rules.

(7) The assuming insurer’s supervisory authority must confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subparagraphs (a)(2) and (3).

(8) Nothing in this paragraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(b) The commissioner shall timely create and publish a list of reciprocal jurisdictions.

(1) A list of reciprocal jurisdictions is published through the NAIC committee process. The commissioner's list shall include any reciprocal jurisdiction as defined under subparagraphs (a)(1)(A) and (B), and shall consider any other reciprocal jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under rules adopted by the commissioner.

(2) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in rules adopted by the commissioner, except that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subparagraph (a)(1)(A) and (B). Upon removal of a reciprocal jurisdiction from this list credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to RSA 405:47.

(c) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this paragraph and to which cessions shall be granted credit in accordance with this subparagraph. The commissioner may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subparagraph (a)(4) and complies with any additional requirements that the commissioner may impose by rules, except to the extent that they conflict with an applicable covered agreement.

(d) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this subparagraph, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this subparagraph in accordance with procedures set forth in rules.
(1) While an assuming insurer’s eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer’s obligations under the contract are secured in accordance with RSA 405:50.

(2) If an assuming insurer’s eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer’s obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of RSA 405:50.

(e) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(f) Nothing in this paragraph shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law or rules.

(g) Credit may be taken under this subparagraph only for reinsurance agreements entered into, amended, or renewed on or after the effective date of this paragraph, and only with respect to losses incurred and reserves reported on or after the later of (1) the date on which the assuming insurer has met all eligibility requirements pursuant to subparagraph (a), and (2) the effective date of the new reinsurance agreement, amendment, or renewal.

(1) This paragraph does not alter or impair a ceding insurer’s right to take credit for reinsurance, to the extent that credit is not available under this paragraph, as long as the reinsurance qualifies for credit under any other applicable provision of this section.

(2) Nothing in this paragraph shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(3) Nothing in this paragraph shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

37:37 Foreign Insurance Companies and Their Agents; Credit for Reinsurance. Amend RSA 405:47, V to read as follows:

V. Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraphs I, II, III IV, [ox] IV-a, or IV-b but only with respect to the insurance of risks located in the jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

37:38 Foreign Insurance Companies and Their Agents; Asset or Reduction From Liability. Amend the introductory paragraph of RSA 405:50 to read as follows:
An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of RSA 405:47 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; provided that the commissioner may adopt by rule, pursuant to RSA 541-A, specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in RSA [405:54] 405:50-a, and the circumstances pursuant to which credit shall be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under such contract, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in RSA 405:46, III. This security may be in the form of:

37:39 Foreign Insurance Companies and Their Agents; Rulemaking for Reinsurance. Amend RSA 405:50-a, IV(a) and (b) to read as follows:

(a) Meets the conditions set forth in RSA 405:47, IV-b; or

(b) Is certified in this state; or

(c) Maintains at least $250,000,000 in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:

1. Licensed in at least 26 states; or
2. Licensed in at least 10 states and licensed or accredited in a total of at least 35 states.

37:40 Termination of Parental Rights. Amend RSA 170-C:15 to read as follows:

170-C:15 Appeals. Any party aggrieved by any order or decree of the court may appeal [in accordance with RSA 567] to the supreme court. The pendency of an appeal, or an application therefor, shall not suspend the order of the court regarding the child.

37:41 Criminal Trespass. Amend RSA 635:2, III to read as follows:

III. Criminal trespass is a misdemeanor if:

(a) The trespass takes place in an occupied structure as defined in RSA 635:1, III; or
(b) The person knowingly enters or remains:
   1. In any secured premises;
   2. In any place in defiance of an order to leave or not to enter which was personally communicated to him by the owner or other authorized person;
   3. In any place in defiance of any court order restraining him from entering such place so long as he has been properly notified of such order; or
   4. On any grounds, lands, or parking areas of any state correctional facility or transitional housing unit operated by the department of corrections without prior
authorization or without a legitimate purpose associated with department of corrections operations.

37:42 Cancellation or Refusal to Renew Commercial Insurance; Grounds for Cancellation. RSA 417-C:1, I(c) is repealed and reenacted to read as follows:

(c) A change in the risk that substantially increases a hazard insured against after insurance coverage has been issued or renewed.

37:43 Repeal. RSA 132:41, VII(c), relative to the exemption of the child fatality review committee from the requirements for nonpublic session under RSA 91-A:3, is repealed.

37:44 Department of Administrative Services; Use of Procurement Cards for Purchase of Commodities or Services. Amend RSA 21-I:17-d to read as follows:

21-I:17-d Use of Procurement Cards for Purchase of Commodities or Services.

I. In addition to the division of procurement and support services' authority to allow the use of field purchase orders or procurement cards for the purchase of supplies under RSA 21-I:17-a, the director of procurement and support services may authorize agencies, or their designees, to purchase commodities or services directly from vendors by the use of procurement cards issued for that purpose; provided, however, that no such procurement card shall be used where a total expenditure of more than $1,000 is involved unless such other use is otherwise allowed by law, or unless the commissioner of administrative services or his or her designee authorizes a higher total expenditure on a case by case basis. The commissioner or his or her designee may authorize a higher total expenditure only if he or she concludes that to do so would be in the best interests of the state.

I-a. The director of procurement and support services also may, upon written application of an agency, authorize the agency, or one or more individuals designated by the agency, to purchase commodities or services secured by or through the division using procurement cards issued for that purpose; provided, however, that no such card shall be used for an expenditure which is greater than the amount allowed by the division for purchases under the applicable contract, or the price allowed by the division for the commodity or service, and provided further that use of such cards shall be in accordance with paragraphs II and III.

II. Use of a procurement card under paragraph I or I-a shall not alter any other purchasing requirements which may apply to the agency or to the type of purchase at issue, including but not limited to any restrictions or limitations contained in contracts entered into by the division of procurement and support services and any processes, rules, or manual of procedures provisions adopted by the department of administrative services which are applicable to the purchase. Agencies' use of procurement cards shall be subject to the limitations of the amounts appropriated by the legislature.
III. The form and use of credit cards to conduct or pay for purchases under paragraph I or I-a shall be prescribed by rules adopted by the commissioner of administrative services pursuant to RSA 541-A in consultation with the state treasurer, or in the department's manual of procedures described in RSA 21-I:14, I. Rules or procedures adopted by the commissioner shall include processes for monitoring the use of cards. Cards shall be used only for state purposes. Unauthorized use of a card may result in disciplinary action up to and including termination of employment. Any person who knowingly uses a card in violation of this section shall be guilty of a misdemeanor.

37:45 Department of Administrative Services; Internal Organization of the Divisions of Procurement and Support Services; Functions of the Bureau of Purchase and Property. Amend RSA 21-I:12, I(a)(6) to read as follows:

(6) Transferring unused supplies and equipment from one department or agency to another where needed and determining the value thereof; where such unused supplies and equipment cannot be so transferred, providing for disposal to the public by competitive bid whenever the estimated value of any unit or total of units is [$100] $2,500 or more, [otherwise in such manner as appears to be] unless the director of the division of procurement and support services determines an alternate disposal method will be in the best interest of the state.

37:46 Drivers' Licenses; Members of Armed Services; Federal Employees; Spouses; Residency. Amend RSA 263:5-b, II to read as follows:

II. A resident of this state shall not be considered as having lost residence when the sole reason for the person's absence is that he or she is accompanying his or her spouse or parent on a United States armed forces deployment outside the state of New Hampshire or state department or other federal agency assignment abroad.

37:47 Insurance Companies and Agents; Quantitative Limitations. Amend RSA 402:29-d, IX to read as follows:

IX. Investments exceeding the limitation established by this section shall not be permitted under any other provision of this chapter including, but not limited to, RSA 402:28, I[(o)] (q) and shall not be considered admitted assets of the insurer.

37:48 Producer Licensing; License Denial, Nonrenewal, or Revocation. Amend the introductory paragraph of RSA 402-J:12, I to read as follows:

I. The commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license, or may levy an administrative fine not to exceed $2,500 per violation, in accordance with RSA 400-A:15, III or any combination of actions for any one or more of the following causes:

37:49 Unauthorized Insurance; Penalty for Unauthorized Insurance. Amend RSA 406-B:12 to read as follows:

406-B:12 Penalty for Unauthorized Insurance.
[I. Any unlicensed insurer who does any unauthorized act of an insurance business as set
forth in RSA 406-B:2 shall be fined [not more than $10,000.]  
II. In addition to any other penalty provided for herein or otherwise provided by law, any
person or insurer violating this chapter shall be fined $500 for the first offense and an additional
sum of $500 for each month or fraction thereof during which any such person or insurer continues
such violation] in accordance with RSA 400-A:15, III.  
37:50 Fire Insurance Contract; Use Required. Amend RSA 407:2 to read as follows:
407:2 Use Required. No policy or contract of fire insurance, except for motor vehicle
insurance, marine insurance, inland marine insurance, and policies used to effect
reinsurance between insurers, shall be made, issued or delivered by any insurer or by any agent or
representative thereof, on any property in this state unless it shall conform to all the provisions of
the policy form prescribed herein. The insurance commissioner may, after hearing, revoke or
suspend the license of any insurer using any other form of such policy.
417:4, IX(b)(10) to read as follows:
(10) An insurance company issuing non-participating life insurance [from] paying
bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus
accumulated from non-participating insurance;
37:52 Repeal. RSA 420-N:10, relative to the health exchange advisory board, is repealed.
37:53 Department of Administrative Services; Energy Management; State Policy. Amend RSA
21-I:19-a to read as follows:
21-I:19-a Energy Efficient Measures; State Policy.
I. It shall be the policy of the state of New Hampshire to [maximize] prioritize public
health and environmental quality, while maximizing economic benefits through the use of
economical energy [efficient measures] efficiency measures including, but not limited to,
energy conservation, strategic electrification, fuel switching, cogeneration, renewable
energy, and energy storage in the construction, renovation, operation, and maintenance of
[buildings] properties owned or leased by the state. Further, it shall be the policy of the state to
encourage municipalities to incorporate such measures into their [buildings] properties to the
greatest extent possible.
II. The department of administrative services shall consider energy measures including,
but not limited to, energy conservation, energy efficiency, strategic electrification, fuel
switching, cogeneration, renewable energy, energy storage, and the energy life cycle [costing of
energy cost saving measures as] costs as significant [criterion] criteria in its construction,
renovation, operation, and purchasing and leasing decisions.
37:54 State Facility Energy Cost Reduction; Definitions. RSA 21-I:19-b is repealed and
reenacted to read as follows:
21-I:19-b Definitions. In this subdivision:

I. "Cogeneration" means the simultaneous production of electric energy and other forms of useful energy, such as steam or heat, which are used for industrial, commercial, heating, or cooling purposes from a single fuel input.

II. "Date of project implementation" means the expected date established in the energy performance contract that the construction, improvement, repair, alteration, or betterment is to be completed and become operational. If the energy performance contract includes more than one energy cost saving measure, the "date of project implementation" may be alternatively defined by the contracting state agency or municipality to be the date that the last of the energy cost saving measures is expected to become operational.

III. "Demand response program" means a program under which the state receives payment for voluntarily reducing electricity demand in response to grid instability as dictated by the regional independent system operator or in response to high wholesale electricity prices.

IV. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within 20 years from the date of project implementation.

V. "Energy performance contract" means an agreement for the provision of energy services or equipment or both. This shall include, but shall not be limited to, energy conservation-enhancing projects in buildings and alternate energy technologies, in which a private sector person or company agrees to finance, design, construct, install, maintain, operate, or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with, a state government agency or facility in exchange for a portion of the energy cost savings or specified revenues. The level of payments made would be contingent upon measured energy cost savings or energy production.

VI. "Energy storage" refers to batteries, compressed air energy systems, heat storage, or any other technology, system, or device capable of capturing energy produced at one point in time and storing it as some contained form of energy that the technology, system, or device can release at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source.

VII. "Fuel switching" means replacing an end-use technology such as a heating system with one that uses a different direct or indirect energy source to reduce energy costs, improve energy factor, reduce energy consumption, or lower greenhouse gas emissions.
VIII. "Positive cash flow financing" means an agreement among an agency, a capital leasing firm, and a provider of design-build energy management services under which the leasing cost of the project, including all interest payments, is equal to or less than the energy cost the project avoids.

IX. "Power purchase agreement (PPA)" means an agreement for the design, permitting, financing, installation, operation, and maintenance of a cogeneration or renewable energy system, including electric and thermal, on a host customer's property. The host customer agrees to purchase the system's energy output at an agreed upon price for a set time period.

X. "Renewable energy," for the purposes of this section, means wind energy; energy generated from eligible biomass fuel; geothermal energy, if the geothermal energy output is in the form of useful thermal energy; energy generated from hydrogen derived from biomass fuels or methane gas; ocean thermal, wave, current, or tidal energy; energy generated from methane gas; solar thermal or electric energy; or hydroelectric energy.

XI. "Shared-savings contract" means an agreement under which a private sector person or company undertakes to design, implement, install, operate, and maintain improvements to the agency's or municipality's procedures, equipment, or facilities, and the agency or municipality agrees to pay a contractually specified amount of measured or estimated energy cost savings.

XII. "Strategic electrification" means the replacement of combustion technologies, which utilize primary fuels including but not limited to biomass, oil, or natural gas, to electric powered measures in order to reduce energy costs, improve energy factor, reduce energy consumption, or lower greenhouse gas emissions.

37:55 Energy Performance Contracting. Amend RSA 21-I:19-d, I to read as follows:

I. Any state agency or municipality may enter into an energy performance contract for the purpose of undertaking or implementing energy measures including, but not limited to, energy conservation, energy efficiency, strategic electrification, fuel-switching, cogeneration, or alternate renewable energy measures, or energy storage in a facility. An energy performance contract may include, but shall not be limited to, options such as joint ventures, shared-savings contracts, positive cash flow financing, or energy service contracts, power purchase agreements, or any combination thereof, provided that at the conclusion of the contract the agency will receive title to the energy system being financed, if the agency so desires.

37:56 Energy Performance Contracting. Amend RSA 21-I:19-d, II(c) to read as follows:

(c) Upon the approval by the [IEEC and] governor and council, the agency may enter into an energy performance contract with the person or company whose proposal is selected as the most qualified based on the criteria established by the agency.

37:57 Energy Performance Contracting. Amend RSA 21-I:19-d, II(f) to read as follows:

(f) Any energy performance contract shall require the contractor to include all energy efficiency improvement in selected buildings that are calculated to the state to recover all implementation costs within 20 years from the date of project implementation at existing energy
prices. The contract shall require that the public utility or energy services provider be repaid only to
the extent of energy cost savings guaranteed by the contractor to accrue over the term of the
contract.

37:58 New Paragraph; Purchase of Electricity by Competitive Bidding. Amend RSA 21-I:17-b by
inserting after paragraph II the following new paragraph:

III. The solicitation of competitive bids for electric power supply shall only apply to
wholesale power purchased from the electric grid and does not apply to power purchase agreements
under RSA 21-I:19-d, which will result in power generated on state-owned property. Nothing in this
section shall be interpreted to mean that any energy contract entered into under RSA 21-I:19-d shall
not be subject to competitive bidding.

37:59 Distribution of Energy Cost Savings. Amend RSA 21-I:19-e to read as follows:

21-I:19-e Energy Cost Savings Revert to General Fund. The cost savings remaining after
meeting the obligations under an energy performance contract, shared savings contract, or lease of
energy saving equipment or services or any similar program] At the end of each biennium, 50
percent of the general funds remaining in an agency's energy costs budget shall revert to
the state energy investment fund established in RSA 21-I:19-f. All remaining budgeted
energy funds shall revert to the general fund.

37:60 State Energy Investment Fund. Amend RSA 21-I:19-f to read as follows:

21-I:19-f State Energy Investment Fund. There is hereby established [an] a state energy
investment fund into which shall [only] be deposited moneys received by the state for participating
in demand response, [or] utility or public utility commission programs, [or both] energy cost
savings distribution as defined in RSA 21-I:19-e, or the sale of renewable energy
certificates, as defined by RSA 362-F:6, for state-owned renewable thermal and electricity
projects. The state treasurer may invest moneys in the fund as provided by law, with interest
received on such investment credited to the fund. Moneys in the fund shall be nonlapsing and
continually appropriated to the division of plant and property to be used exclusively to fund energy
efficiency or renewable energy projects and energy efficiency or renewable energy contracts; to
reimburse the department of administrative services, division of public works design and
construction, for costs of providing construction administration services including, but not limited to,
design and oversight of design and construction of energy saving or renewable energy measures; and
to reimburse state agencies for [demand response] program expenses or completing energy saving or
renewable energy measures.

37:61 Application of Receipts. Amend RSA 6:12, I(b)(271) to read as follows:

(271) Moneys deposited in the state energy investment fund established in RSA 21-
I:19-f.

37:62 Veterans Services; Donations and Bequests. Amend RSA 110-B:87 to read as follows:
Donations and Bequests. The division of veterans services may receive, on behalf of
the state, all donations and bequests that may be made to support the delivery of state veterans
services programs shall be nonlapsing and continually appropriated to the division of
veterans services.

37:63 Multi-Use Veterans Decal Plates; Decals. Amend RSA 261-C:2, III to read as follows:

III. The division of veterans services may issue decals to eligible veterans who qualify under
this chapter and to gold star family members pursuant to RSA 261-C:3-a, and shall collect a fee of
$10 for the set of decals. Revenue collected under this paragraph shall be restricted revenue to the
division of veterans services and shall [not lapse] be nonlapsing and continually appropriated
to the division.

37:64 Gold Star Family Decals; Eligibility. Amend RSA 261-C:3-a, V to read as follows:

V. Pursuant to RSA 261-C:2, the division of veterans services may issue gold star family
decals to eligible family members and shall collect a fee of $10 for the set of decals. Revenue
collected under this paragraph shall be restricted revenue to the division of veterans services and
shall [not lapse] be nonlapsing and continually appropriated to the division.

37:65 Department of Environmental Services; Office of the Commissioner; Public Information.
Amend RSA 21-O:12, IV to read as follows:

IV. Public information and permitting [shall include all initial public contact relative to
permits and applications; furnishing members of the general public with all permit applications and
information needed for any project which comes under the jurisdiction of the department, as well as
information as to federal or local permits which may be required; assisting] shall assist members of
the general public, whenever possible[. to fill out permit applications] by directing them to the
appropriate person within the relevant division of the department; and generally providing members
of the general public with all of the information necessary for meeting permit requirements[,
including information as to where to find the relevant federal laws and regulations, rules, and
municipal ordinances].

37:66 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in
RSA 94:1-a, I(b) by deleting:

DD Department of natural and cultural resources         director
EE Department of health and human services              senior policy analyst
FF Department of health and human services              senior project manager
FF Department of health and human services              bureau chief of elderly and
            adult services                                  
HH Department of safety                                  director of administration
HH Department of health and human services              director of economic and
            housing services                                 
HH Department of health and human services              chief legal officer
HH Department of revenue administration assistant commissioner

NN Department of health and human services physician

37:67 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in RSA 94:1-a, I(b) by inserting:

CC Department of justice deputy chief investigator

EE Department of natural and cultural resources director and state historic preservation officer

FF Department of health and human services director of the office of health equity

GG Department of health and human services deputy director, division of public health services
director, project management bureau chief of elderly and adult services

II Department of safety director of administration
director of economic and housing stability
director of performance evaluation and innovation

GG Department of health and human services

II Department of health and human services chief legal officer

JJ Department of revenue administration assistant commissioner

37:68 Salary Adjustment for Recruitment or Retention. Amend RSA 94:3-b, II(a) to read as follows:

(a) Comptroller, department of administrative services, $120,270.32 $99,000-$138,000

37:69 Administrative Procedure Act; Definition of Electronic Document and File. Amend RSA 541-A:1, V-a and VI to read as follows:

V-a. "Electronic document" means a document which complies with requirements prescribed by the director for filing under paragraph VI and established in the drafting and procedures manual under RSA 541-A:8. For electronic documents, a requirement during the rulemaking process for a signature accompanying the filing of an electronic document shall be met if such signature complies with the requirements of RSA 294-E.

VI. "File" means the actual receipt, by the director of legislative services, of a paper or electronic document required to be submitted during a rulemaking process established by this chapter, under the terms and in the format prescribed by the director. The term "file" shall also apply to any other response, submission, or written explanation required during a rulemaking process established by this chapter.
37:70 Administrative Procedure Act; Notice of Rulemaking Proceedings. Amend RSA 541-A:6, II to read as follows:

II. The director of legislative services may refuse to publish a notice if the director determines that [there is significant noncompliance with the requirements of paragraph I. In this paragraph, "significant noncompliance" means one or more errors of such magnitude that a reasonable person would not be able to discern what rules are the subject of the rulemaking proceeding and/or what the agency is proposing to do. The term includes the absence of elements required by paragraph I] the notice does not conform to the requirements of the drafting and procedure manual under RSA 541-A:8.

37:71 Administrative Procedure Act; Rulemaking Register. Amend RSA 541-A:9, I-a to read as follows:

I-a. Prior to publication [and with prior notice to the agency], the director of legislative services may correct clarity, formatting, typographical, spelling, and punctuation errors, as well as unintentional errors in references and citations in a submission[, provided the corrections do not affect the substance of the notice]. Consistent with RSA 541-A:6, II, the director shall notify the agency prior to publication of the notice of any amendments made to the notice and may set a deadline for agency comment on the amendments.

37:72 Administrative Procedure Act; Filing of Proposed Rule Text; Establishing and Revising Text. Amend RSA 541-A:10, I to read as follows:

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. The text of each proposed rule filed shall encompass at least a full rules section. The text of the proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the hearing held pursuant to RSA 541-A:11, I(a).

37:73 Administrative Procedure Act; Filing the Final Proposal. Amend RSA 541-A:12, I and I-a to read as follows:

I. After fully considering public comment and any committee comments or comments by the office of the legislative services received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the agency shall file the final proposal no earlier than 21 days and no later than [150] 180 days after the date of publication of the notice in the rulemaking register. [If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal.] The agency shall file the final proposal with the director of legislative services. Final proposals filed no later than [14] 21 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than [44] 21 days before a regularly scheduled
committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting.

[II. If an agency chooses to receive and respond to comments before the committee meeting as specified in RSA 541-A:13, II(a) and (b), the agency shall file the final proposal with a request that the final proposal be reviewed by the office of legislative services and placed on the agenda for the next regularly scheduled committee meeting or special meeting that is at least 28 days but no more than 60 days after the date that the final proposal is filed. The final proposal and request shall be filed at least 14 days prior to the first regularly scheduled committee meeting at which the request may be considered. The committee shall notify the agency in writing of its approval or denial of the request.]

37:74 Administrative Procedure Act; Review by the Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, I-V(a) to read as follows:

I. The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within [45] 60 days of the filing of a final proposal under RSA 541-A:12, I, unless the deadline is waived for good cause pursuant to RSA 541-A:40. [The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within 60 days of the filing of a final proposal under RSA 541-A:12, I, unless the deadline is waived for good cause pursuant to RSA 541-A:40.] Objections to a rule may be made only once. The committee may not add or amend grounds for objection after a preliminary objection is made under paragraph V unless the agency's response to the objection creates the grounds or the agency requests a revised objection which includes them.

II. (a) If an agency has filed a final proposal [and the committee has granted the agency's request, pursuant to RSA 541-A:12, I.a], the director of legislative services shall notify the agency of any potential bases for committee objection identified by the office of legislative services by forwarding a copy of the final proposal with the counsel's comments noted thereon [at least 14 days prior to the committee meeting at which the proposal will be considered].

(b) In response to the comments, or for other reasons in lieu of requesting a preliminary objection, an agency may then file a [proposed amended final proposal] request for conditional approval with the director for review by the committee and request that the committee conditionally approve the rule [as amended] with an amendment. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda.

An agency may request a waiver pursuant to RSA 541-A:40, IV of the 7-day deadline for good cause as established in the drafting and procedure manual under RSA 541-A:8, but the committee may for compelling reasons under the committee's rules pursuant to RSA 541-A:2, II accept a request for a conditional approval in the meeting under paragraph V.

(c) The committee may:
(1) Approve the rule as originally filed; or

(2) [Approve the rule with amendment; or

(3)] Act under paragraph V.

(d) If the committee approves the rule as filed pursuant to RSA 541-A:12, [or with amendment.] it shall notify the agency in writing of its approval.

(e) Failure to give notice of either approval, conditional approval, or objection at the end of the [45 day or] 60-day period under paragraph I shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (e), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature;

(c) Determined not to be in the public interest; or

(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections and conditional approvals:

(a) If the committee objects to the final proposal as filed [or as amended pursuant to paragraph II], it shall so inform the agency. In lieu of a preliminary objection, and with or without a written request under subparagraph II(a), the committee may vote to conditionally approve the rule with an amendment, provided that the committee specifies in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 30 days of the meeting, or in the case of a board or commission, 7 days following its next regularly scheduled meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the office of legislative services determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the office of legislative services shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

37:75 Administrative Procedure Act; Publication of Rules. Amend RSA 541-A:15, I to read as follows:

I. The director of legislative services shall compile, index, and publish, or require agencies to publish, all effective rules adopted by each agency. The text of an adopted rule as filed with the
director and which is effective shall be the official version of the rule, unless or until a version
prepared for publication, which may have editorial changes not affecting the substance of the rule, is
certified by the agency as the same in substance as originally filed. The certified version shall be the
official version. Both the adopted rule as-filed and as-certified may be an electronic
document and still be the official version if in compliance with RSA 541-A:1, V-a and VI
and the drafting and procedure manual for administrative rules under RSA 541-A:8. The
official version of the rule shall be available to the public by the agency and the director pursuant to
RSA 541-A:14, IV.

37:76 Administrative Procedure Act; Interim Rules. Amend RSA 541-A:19, I(a) to read as
follows:

(a) Conform with a new or amended codified state statute or chaptered session law,
provided, however, that an agency shall not publish notice of a proposed interim rule more than
[120] 180 days after the effective date of the new or amended codified state statute or chaptered
session law;

37:77 Administrative Procedure Act; Interim Rules. Amend RSA 541-A:19, V-VIII to read as
follows:

V. A proposed interim rule filed under paragraph II no less than [14] 21 days before a
regularly scheduled committee meeting shall be placed on the committee's agenda for review for that
meeting. Publication of notice shall occur no less than [7] 14 days before a regularly scheduled
meeting. If the agency has published notice in a newspaper, pursuant to subparagraph II(a), the
agency shall file a copy of the notice as it was published no later than 3 days after the date of
publication. Proposed interim rules filed less than [14] 21 days before a regularly scheduled
committee meeting shall be placed on the agenda for review at the following regularly scheduled
committee meeting or at a special meeting, as determined by the committee.

VI. The committee shall vote to approve or conditionally approve the rule or object under
paragraph VII. Objections to a proposed interim rule may be made only once.

VII. The committee may object to a proposed interim rule if the rule is:

(a) Beyond the authority of the agency;
(b) Contrary to the intent of the legislature;
(c) Determined not to be in the public interest; or
(d) Deemed by the committee not to meet the requirements of paragraph I.

VIII. The following procedures shall govern committee review of interim rules:

(a) The director of legislative services shall notify the agency of any potential bases for
committee objection by forwarding a copy of the proposed interim rule with comments noted thereon
to the agency at least 7 days prior to the committee meeting at which the rule will be considered.
Following receipt of the comments an agency may [amend] file a request for conditional
approval of its interim rule with an amendment to address the noted potential bases for
objection, or for other reasons in lieu of requesting an objection. Both the request for
conditional approval and the amendment shall be in writing and shall be filed at least 3
days prior to the meeting for which the proposed interim rule has been placed on the
agenda. An agency may request a waiver pursuant to RSA 541-A:40, IV of the 3-day
deadline for good cause as established in the drafting and procedure manual under RSA
541-A:8, but the committee may for compelling reasons under the committee's rules
pursuant RSA 541-A:2, II accept a request for a conditional approval in the meeting. [The
agency may present the amended proposal to the committee for approval at the committee meeting.]
The committee may approve the rule as originally proposed or [as amended] conditionally approve
the rule under subparagraph (b).

(b) If the committee objects to the proposed interim rule as filed [or as amended], it shall
so inform the agency. In lieu of an objection, and with or without a written request under
subparagraph (a), the committee may vote to conditionally approve the rule with an amendment,
provided that the committee specified in its conditional approval the language of the amendment to
address the basis for a preliminary objection. The committee shall notify the agency in writing of its
conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation
to the committee in the form of a letter and an annotated text of the final proposed rule detailing
how the rule has been amended in accordance with the conditional approval. The written
explanation shall be signed by the individual holding rulemaking authority, or, if a body of
individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of
the body has approved. Failure to submit a written explanation in accordance with the conditional
approval and this paragraph shall cause the conditional approval to be deemed a committee vote to
make a preliminary objection on the date of the conditional approval. If the committee legal counsel
determines that the agency has amended the rule in accordance with the conditional approval and
this paragraph, the committee legal counsel shall promptly send written confirmation of compliance
to the agency. The agency may then adopt the rule as amended.

(c) If the committee objects to the proposed interim rule as filed [or as amended]
pursuant to subparagraph VIII(a), the committee shall send the agency a written objection stating
the basis for the objection. An objection or a conditional approval shall require the assent of a
majority of the votes cast, a quorum being present.

(d) If the committee makes an objection to the proposed interim rule pursuant to
subparagraph VIII(c), the agency may cure the defect or withdraw the interim rule. The agency
shall respond to a committee objection only once, and shall report its response in writing to the
committee prior to its next regularly scheduled meeting. Failure to respond to the committee in
accordance with this subparagraph shall mean the rulemaking procedure for that proposed interim
rule is invalid; however, the agency is not precluded from initiating the process over again for a
similar rule, provided the conditions in paragraph I are met.
(e) The committee shall review the response and vote to approve the response or continue the objection.

(f) The committee's objection shall not preclude the agency from adopting the substance of an interim rule by meeting the requirements of RSA 541-A:3.

37:78 Repeal. RSA 541-A:2, IV(g), relative to the pilot program for electronic filing, is repealed.

37:79 Compensation of Certain State Officers; Health and Human Services Positions Amended. Amend the following positions in RSA 94:1-a, I(b), grade EE to read as follows:

EE Department of health and human services [senior project manager] Sununu youth services center administrator

EE Department of health and human services [project manager office specialist]

senior policy analyst

37:80 Excavating and Dredging Permit; Registration for Seasonal Docks. Amend RSA 482-A:3, I(d)-(e) to read as follows:

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

(e) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to:

(1) All abutters, as defined in the rules of the department, unless exempted in such rules, which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice. Nothing in this subparagraph shall prevent the department from taking appropriate action in the event an applicant fails to provide the required notice or provides false information.

(2) The local river management advisory committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. Such notice shall be sent by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The local river management advisory committee shall, under RSA 483:8-a, III(a)-(b), advise the commissioner and consider and comment on the permit application.

[\omega] (f) Beginning October 1, 2007, the department shall submit an annual report to the house and senate finance committees, the house resources, recreation and development committee, and the senate energy and natural resources committee relative to administration of the wetlands fees permit process established by this section.
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37:81 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, IV-a to read as follows:

IV-a.(a) [Temporary] Seasonal docks [installed on any lake or pond] shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of property that includes the name and address of the property owner, a copy of the deed for the property on which the dock is to be installed, the municipality, the waterbody, [and] tax map and lot number on which the proposed dock will be located, and plans of the waterfront and structure to be installed showing that the requirements of this paragraph will be met. To qualify for an exemption under this paragraph, a [temporary] seasonal dock shall be:

1. (1) The only docking structure on the frontage;
2. (2) Constructed to be removed during the non-boating season;
3. (3) Removed from the lake bed for a minimum of 5 months of each year;
4. (4) Configured to be narrow, rectangular, and erected perpendicular to the shoreline of a lake or pond or parallel to the bank of a river;
5. (5) No more than 6 feet wide and no more than 40 feet long if the water body is 1,000 acres or larger, or no more than 30 feet long if the water body is a river or less than 1,000 acres in size;
6. (6) Located on a parcel of land that has 75 feet or more of shoreline frontage;
7. (7) Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water;
8. (8) Installed in a manner which requires no modification, regrading, or recontouring of the shoreline, such as installation of a concrete pad for construction of a hinged dock;
9. (9) Installed in a manner which complies with RSA 483-B; and
10. (10) Installed in a location that is not in, or adjacent to, an area that has been designated as a prime wetland in accordance with RSA 482-A:15.

(b) The repair or replacement of legally existing docking facilities in non-tidal waters shall be exempt from the permitting requirements of this section, provided that the structure has a valid registration filed with the department by the owner of the property, in accordance with RSA 482-A:11, XI, that includes the name and address of the property owner, the municipality, the waterbody, tax map and lot number on which the proposed dock will be located, photographs of all existing structures constructed or installed in the waterbody, and plans of the waterfront and structures to be repaired showing that the requirements of this paragraph will be met. To qualify for an exemption under this paragraph, the owner of the docking facilities shall provide evidence that the docking structures to be repaired:

1. (1) Have been:
(A) Constructed and maintained in compliance with a permit issued under RSA 482-A or its preceding statutes; or

(B) Maintained in their current size, location, and configuration since January 1, 2000;

(2) Were not constructed to make land in public waters;

(3) Are not subject to RSA 482-A:26; and

(4) Are not the subject of any municipal or state compliance action or pending civil action.

(c) Registrations for the repair or replacement of legally existing docking structures shall be effective on the date issued and shall be valid for 5 years or until ownership of the property changes, whichever occurs first.

(d) Within 10 business days of receipt of a registration filing, the department shall issue a written notice to the property owner stating that the registration has either been accepted and issued a registration number, or rejected. If the department does not respond within the 10-day period, the property owner or agent may submit to the department a written request for a response. If the department fails to respond to the written request within an additional 5 days, the property owner or agent shall be deemed to have submitted a complete and qualifying registration and may proceed with the repair or replacement of the legally existing docking structures as presented in the registration filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

(e) Docking structures registered and maintained in accordance with this section shall be considered to be in compliance with this chapter.

37:82 New Paragraph; Administrative Provisions. Amend RSA 482-A:11 by inserting after paragraph X the following new paragraph:

XI. The commissioner shall adopt rules pursuant to RSA 541-A, establishing registration forms, the registration renewal process, and the display of registration numbers; and the registration process for the installation of seasonal docking structures and the repair or replacement of legally existing docking structures pursuant to RSA 482-A:3, IV-a.

37:83 Posting of Permits; Display of Registration Numbers. Amend RSA 482-A:12 to read as follows:

482-A:12 Posting of Permits, Display of Registration Numbers, and Reports of Violations. Project approval by the department shall be in the form of a permit, a copy of which the applicant shall post in a secured manner in a prominent place at the site of the approved project. The department shall mail a copy of such permit to the local governing body of the municipality where the project is located. Any registration number issued by the department pursuant to RSA
482-A:3, IV-a(c) shall be prominently displayed on the lakeward face of the docking structures. Any person proceeding without a posted permit shall be in violation of this chapter. All state, county, and local law enforcement officers are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the department.

37:84 New Sections; Dams; Emergency Actions; Entry; Access. Amend RSA 482 by inserting after section 12 the following new sections:

482:12-a Emergency Actions. If during any flood warning issued by the National Weather Service, the condition of any hazardous dam becomes so dangerous to the safety of life or property as in the opinion of the department as not to permit sufficient time for issuance of an order in the manner provided by RSA 482:12, the department may immediately take such action as may be essential to provide for emergency protection to such life or property. The owner or owners of such a dam shall be strictly liable for all costs incurred by the state in performing an emergency action under this section. The attorney general may institute an action in superior court for the county in which the dam is located against the owner or owners of the dam for all costs incurred by the state. Costs recovered under this section shall be deposited into the dam maintenance fund established pursuant to RSA 482:55. This section shall not apply to any dams under the jurisdiction of the Federal Energy Regulatory Commission.

482:12-b Rights of Entry and Access. During a flood warning issued by the National Weather Service, the department shall have the right to enter on any property, public or private, for the purpose of investigating the condition, construction, or operation of any hazardous dam or associated equipment, facility, or property to take emergency actions pursuant to RSA 482:12-a.

37:85 State Building Code; Enforcement by Fire Marshal and Local Municipalities. Amend RSA 155-A:2, IV to read as follows:

IV. Except for buildings owned by the state, the community college system of New Hampshire, or the university system, the issuance of permits and certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall issue permits, [and] conduct inspections, and issue certificates of occupancy for buildings owned by the state, the community college system of New Hampshire, and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services, provided the fees for such services are paid for by the applicant. Any municipality that has adopted an enforcement mechanism under RSA 674:51 alternatively may request the services of the state fire marshal under the state building permit system, including issuance of permits, conducting inspections, and issuance of certificates of occupancy, for buildings or projects owned by the counties, town, cities, or village districts, if a project requires specialized knowledge of the fire marshal or due to staffing limitations of the
municipality. Nothing in this section shall require the state fire marshal to accept a project under the state building permit system when requested by a municipality.

37:86 New Paragraph; Department of Safety; Duties of Commissioner; Authority to Appoint Security Officers. Amend RSA 21-P:4 by inserting after paragraph XVI the following new paragraph:

XVII.(a) Have discretion to grant to security officers assigned to protect one or more department facilities and grounds such powers as the commissioner deems necessary to quell disturbances, including the power to detain, for up to 2 hours, persons who are creating a disturbance or whom they have reasonable grounds to believe have committed any offense under the laws of the state. In this paragraph, a "disturbance" means behavior or actions that disrupt the orderly conduct of business in a department facility, including bitter exchanges, vulgarities, or abusive, offensive, or insulting comments that impede the orderly disposition of an administrative due process hearing, and any acts of violence or intimidation.

(b) A security officer who has detained a person shall, as soon as practicable, surrender the person to a state trooper, deputy sheriff, or local police officer having jurisdiction in the geographical area where the detention occurred. Any detention shall be accomplished in a reasonable manner and shall not exceed 2 hours.

(c) Each security officer employed on or after the effective date of this paragraph shall be required to pass a criminal history check, a background investigation, and a psychological evaluation approved by the commissioner, a physical examination by a licensed physician at the department's expense, and an initial training program approved by the commissioner and annual refresher training. The security officer shall serve a one-year term, at the pleasure of the commissioner, and shall be issued such equipment and weapons as the commissioner designates, subsequent to formal training in their usage and periodic retraining. The security officer shall serve in business attire with a suitable badge or other identification or in a distinctive uniform, as determined by the commissioner.

(d) A security officer shall submit a written report regarding any detention, use of physical force, or taking into custody of any person to the commissioner, or the commissioner's designee, and to the division of state police. The division of state police shall be responsible for any court proceeding arising from such incident.

37:87 New Section; Authority of Department of Safety Security Officers. Amend RSA 21-P by inserting after section 7-c the following new section:

21-P:7-d Authority of Department of Safety Security Officers.

I. The commissioner may appoint department of safety security officers for the purpose of keeping the peace at department facilities and grounds and protecting department employees. The security officers shall be under the immediate control of, and be responsible to the commissioner or the commissioner's designee. Security officers shall have the authority of an ex officio constable and
possess such limited police powers and authority as are granted to them by the commissioner pursuant to RSA 21-P:4, XVII. The security officers shall be entitled to the same statutory indemnification regarding their official acts as other state officials and employees.

II. Whenever a security officer detains an individual, the security officer shall surrender the person to a state trooper, deputy sheriff, or local police officer having jurisdiction in the geographical area where the detention occurred.

III. Security officer staff shall be considered a law enforcement agency for purposes of receiving and exchanging criminal justice information and motor vehicle record information with the division of state police, the division of motor vehicles, the division of homeland security and emergency management, and other law enforcement agencies and officials.

IV. Security officers shall not be required to meet all of the physical, training and educational requirements of RSA 106-L:6, but may attend and participate in training programs at the police standards and training council and, upon successfully completing such programs, shall receive the same academic credits or certifications as other peace officers attending such programs.

V. Security officers who were certified police officers prior to appointment to the security staff may retain or regain their police certification while serving as sworn department of safety security officers upon completing such remedial or updated continuing education and other requirements as the police standards and training council may require.

37:88 New Paragraphs; Definitions Added; Medical Imaging and Radiation Therapy. Amend RSA 328-J:1 by inserting after paragraph I the following new paragraphs:

I-a. “Cardiac electrophysiology specialist” means the individual who assists a physician with diagnosing and treating the electrical activities of the heart, including procedures involving invasive (intracardiac) catheter recording of spontaneous activity as well as of cardiac responses to programmed electrical stimulation (PES).

I-b. “Cardiovascular invasive specialist” means the individual who assists a physician with cardiac catheterization procedures which can determine if a blockage exists in the blood vessels that supply the heart muscle and can help diagnose and treat other problems.

37:89 Board; Quorum. Amend RSA 328-J:6 to read as follows:

328-J:6 Organization and Meetings. The board shall hold meetings at least 2 times per year. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. [Four members shall constitute] A quorum of the board shall be described in RSA 21:15.

37:90 New Sections; Criminal History Records; Disciplinary History. Amend RSA 328-J by inserting after section 7 the following new sections:

328-J:7-a Criminal History Record Checks.

I. The board of medical imaging and radiation therapy shall require criminal background checks for initial licensure, reinstatement of licensure or temporary licensure using a criminal
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history record release form, as provided by the New Hampshire division of state police which
authorizes the release of his or her criminal history record, if any, to the board of medical imaging
and radiation therapy.

(a) The applicant shall submit with the release form a complete set of fingerprints taken
by a qualified law enforcement agency or an authorized employee of the department of safety. In the
event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
attempts, a set of fingerprints is invalid due to insufficient pattern, the board of medical imaging
and radiation therapy may, in lieu of the criminal history records check, accept police clearances
from every city, town or county where the person has lived during the past 5 years.

(b) The board of medical imaging and radiation therapy shall submit the criminal
history records release form and fingerprint form to the division of state police which shall conduct a
criminal history records check through its records and through the Federal Bureau of Investigation.
Upon completion of the records check, the division of state police shall release copies of the public
conviction criminal history records to the board of medical imaging and radiation therapy.

II. The board of medical imaging and radiation therapy shall review the criminal record
information prior to making a decision on licensure and shall maintain the confidentiality of all
criminal history records received pursuant to this section.

III. The applicant shall bear the cost of all criminal history record checks.

IV. The board shall consider military security clearance for an individual actively serving in
any component of the Department of Defense in lieu of criminal background checks.

328-J:7-b Records of Licensees and Disciplinary History.

I. The board shall maintain an electronic record of living or deceased persons who have ever
been licensed to practice. The list shall show the last known place of employment, the last known
place of residence, the number of the license, the most recent date of issuance, renewal, or
reinstatement of the license, and the date the license lapsed if applicable. No information shall be
put on a list to be transferred to another entity for commercial use without the permission of the
person to whom the information applies.

II. The board shall maintain a list of persons against whom the board has taken any
disciplinary action. This list shall include the name of the person, the reason for the disciplinary
action, the date of the disciplinary action, and the nature of the disciplinary action.

37:91 New Paragraphs; Medical Imaging and Radiation Therapy; Licenses Added. Amend RSA
328-J:11 by inserting after paragraph VII the following new paragraphs:

VIII. Cardiac electrophysiology specialist licensure. To qualify for a license as a cardiac
electrophysiology specialist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;
(c) Successfully complete a course of study in cardiac electrophysiology approved by the board; and

(d) Possess current certification in cardiac electrophysiology from Cardiovascular Credentialing International or a certifying organization approved by the board.

IX. Cardiovascular invasive specialist license. To qualify for a license as a cardiovascular invasive specialist, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in cardiovascular invasive procedures approved by the board; and

(d) Possess current certification in cardiovascular invasive procedures from Cardiovascular Credentialing International or a certifying organization approved by the board.

X. Computed tomography license. To qualify for a license in computed tomography, an applicant shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Have obtained a high school diploma or have passed an approved equivalency test;

(c) Successfully complete a course of study in computed tomography approved by the board; and

(d) Possess current certification and registration in tomography from the American Registry of Radiologic Technologists or a certification organization approved by the board.

37:92 Applications; Temporary Licensure. Amend RSA 328-J:13 to read as follows:

I. Applications for licensure or for a temporary license shall be on forms in the manner prescribed and furnished by the board by the office of professional licensure and certification, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work. The office of professional licensure and certification shall establish fees for application and any examination required under this chapter. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

II. The board may issue a temporary license to any person whose certification and registration is pending when issuance is for the purpose of providing medical imaging or radiation therapy services to medically underserved areas as determined by the board for a period not to exceed 120 days. A temporary license shall be issued only if the board finds that it will not violate the purpose of this chapter or endanger the public health and safety. A temporary license shall expire 90 days after the date of the next examination if the applicant is required to take an examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire. In all other cases, a temporary license shall expire when the determination is
made either to issue or deny the applicant a regular license. A temporary license shall not be issued for a period longer than 180 days.

II-a. If an applicant is required to take an examination, the board may issue a temporary license for a period not to exceed 90 days after the date of the next examination. If the applicant does not take the examination on the scheduled date, the temporary license shall expire.

II-b. In all other cases, a temporary license shall expire when the determination is made either to issue or deny the applicant a regular license.

III. New graduates awaiting national certification and registration may be issued a temporary license for employment purposes for a period not to exceed one year.

IV. Any person issued a license under this chapter shall display the official license document or a verified copy in each place of regular employment.

37:93 New Section; Motor Carriers; Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine. Amend RSA 266 by inserting after section 72-a the following new section:

266:72-b Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine.

I. Except as provided in paragraph III, a motor carrier's privilege to have any commercial motor vehicle driven shall be suspended or revoked, upon written order of the director, whenever such motor carrier:

(a) Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined it is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction.

II. Any suspension or revocation described in paragraph I shall be effective 30 days after any default or revocation described in subparagraphs I(a)-(c).

III. If a motor carrier receives a summons in hand from a law enforcement officer, no further notification to such a motor carrier is required before the suspension of its privilege occurs as provided in subparagraph I(c). If a motor carrier receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such motor carrier by certified mail at its last known address that its privilege shall be suspended 30 days after the mailing of such notification.

IV. The department shall cause written notice to be sent to any motor carrier that defaults as otherwise provided in this section on an appearance, summons, or court order issued in this state. Any motor carrier that defaults as provided in subparagraph I(c) shall be required to produce proof of satisfaction of the default either in hand or through the court to the department.
V. (a) If such motor carrier fails to appear, pay the fine, or comply with an order within the applicable period as provided in subparagraph I(c) or paragraph III of this section, or fails to demonstrate that the motor carrier is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such motor carrier's privilege to have any commercial motor vehicle driven in New Hampshire effective from the applicable date for an indefinite period and mark the motor carrier's files accordingly.

(b) The director may report the names of all motor carriers whose privilege has been suspended or revoked under this section due to nonpayment to a consumer reporting agency as defined in RSA 359-B:3.

VI. Except as provided in paragraph VII, any motor carrier whose privilege has been suspended or revoked pursuant to paragraph V shall be reinstated upon:

(a) Payment to the director of a fee of $100, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(b)(5); and

(b) Appearance by such motor carrier, payment of its fine, or compliance with the order of the director, as applicable, or upon demonstration that such motor carrier is financially unable to pay the fine or to comply with the order. Any court which has ordered a motor carrier's privilege suspended pursuant to paragraph V shall vacate the order and so notify the director and the affected motor carrier immediately after such motor carrier has appeared or paid its fine, as applicable, or has demonstrated that it is financially unable to pay the fine or to comply with the order.

VII. No motor carrier whose privilege to have any motor vehicle driven in New Hampshire has been suspended or revoked under this section shall be reinstated before the expiration of any other period of suspension or revocation in effect.

VIII. Nothing shall prevent any motor carrier affected by this section from obtaining a prompt review or hearing, upon showing just cause, before either the court or director for appropriate relief.

IX. The provisions of this section shall be the primary sanction for motor carriers who fail to appear, pay a fine or other penalty, or comply with an order of the director or a court, but shall not exclude other provisions of law relative to sanctions for motor carriers who fail to appear, pay a fine or other penalty, or comply with an order of the director or a court.

X. Notwithstanding the provisions of RSA 541-A:30, the director may order the suspension of a motor carrier's privilege to have any motor vehicle driven in New Hampshire in their discretion, and without a hearing, whenever the director has reason to believe that the motor carrier is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct; and the certificate shall not be reissued unless, upon examination or investigation, or after hearing, the director determines that the motor carrier should again be permitted to allow a commercial motor vehicle to be driven. Provided, however, that if the director
revokes or suspends a motor carrier's privilege under the provisions hereof, the motor carrier, upon a
written application to the department, shall be granted a hearing by the department within 15 days
after the filing of the application.

XI. Any motor carrier whose privilege has been suspended or revoked pursuant to
paragraph I or X, shall be subject to a fine of $500 plus penalty assessment. A law enforcement
officer may order the removal of a commercial motor vehicle driven in violation of paragraph I or X
at the motor carrier's expense.

37:94 State Board of Fire Control; Definition of Health Care Facility. Amend RSA 153:1, V-b to
read as follows:

V-b. "Health care facility" means [any hospital, nursing home, hospice, hostel, or any other
facility which accommodates 2 or more residents for medical, recovery from medical, psychological,
maintenance, or other than ordinary domiciliary purposes] a facility licensed under RSA 151.

37:95 Department of Administrative Services; General Functions; Personnel Administration.
Amend RSA 21-I:1, II(l) to read as follows:

(l) Personnel administration, including but not limited to administration of any
positions within the executive branch.

37:96 Department of Administrative Services; Division of Personnel; Issuance of Executive
Branch Personnel Standards. RSA 21-I:42, XV is repealed and reenacted to read as follows:

XV. After consultation with the commissioner, issuing standards, practices, procedures,
policies, protocols, guidelines, specifications, instructions, directives, requirements, or descriptions of
requirements to executive branch departments, agencies, or subdivisions thereof regarding
personnel matters within the executive branch, and publishing and distributing to state agencies one
or more technical assistance manuals containing information describing the responsibilities of the
division of personnel and state agencies in matters relating to personnel administration. These
items shall not be considered rules subject to the provisions of RSA 541-A and shall be binding upon
the state agencies or subdivisions to whom they are directed.

37:97 Registration of Commercial Animal Food Sellers. Amend RSA 435:20, IV to read as
follows:

IV. One-half of the fees collected under this section shall be deposited with the state
treasurer into a separate, nonlapsing account to be known as the agricultural product and scale
testing fund. The remainder of the fees collected under this section shall be deposited in the general
fund, provided that for each biennium, the commissioner of agriculture, markets, and food
shall include in the department's biennial request for appropriations pursuant to RSA 9:4
an amount sufficient to fund an adequate cost of care fund as provided in RSA 437-B:1.

37:98 Cost of Care Fund. Amend RSA 437-B:1, II to read as follows:

II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in
animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI and moneys
received from RSA 435:20, IV provided the balance in the cost of care fund shall not exceed $2,000,000.

37:99 New Subparagraph; Cost of Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the cost of care fund established in RSA 437-B:1.

37:100 New Section; Remote Sellers of Unregistered Animal Feed Products; Study Commission. Amend RSA 435 by inserting after section 31 the following new section:


I. There is established a commission to study the identification of unregistered animal feed products being sold remotely in New Hampshire.

II. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the ways and means committee and one of whom shall be a member of the environment and agriculture committee.

(b) The commissioner of the department of agriculture, markets, and food, or designee.

(c) The commissioner of the department of revenue administration, or designee.

(d) The attorney general, or designee.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study the feasibility and criteria for setting up a system of identification of remote sellers into New Hampshire of unregistered products required to be registered under RSA 435:20 and the collection of registration fees due.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation 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 or before November 1, 2020.

37:101 Repeal. RSA 435:31-a, relative to the commission on the identification of unregistered animal feed products being sold remotely in New Hampshire, is repealed.

37:102 Purpose Statement. The general court finds that in order to promote more economic, clean energy and associated economic development benefits for New Hampshire, Governor Sununu made a formal request to the Bureau of Ocean Energy Management (BOEM) to establish an Intergovernmental Renewable Energy Task Force (Task Force) to facilitate regional collaboration among state and federal agencies in the planning and development of offshore wind in the Gulf of Maine. In parallel with the work of the Task Force, it is in the interest of all New Hampshire
ratepayers and residents to create a commission to study the opportunities within New Hampshire
for supply chain development, seacoast port capability, workforce development and associated
economic expansion; to ensure that New Hampshire is poised to immediately engage in, support, and
benefit from the development of the offshore wind industry, and to ensure that such development
and the energy produced therefrom benefits economically disadvantaged populations. It is declared
a public good in the state of New Hampshire to develop offshore wind generation of renewable
energy, with the attendant coastal zone utilization, as such development ensures the vitality and
sustainability of industry, and tourism, and the quality of life of New Hampshire people, including
the protection of historic resources and natural resources, including wetlands, floodplains, estuaries,
beaches, dunes, and fish and wildlife and their habitat, within the coastal zone.

37:103  New Section; Offshore Wind Commission Established. Amend RSA 374-F by inserting
after section 9 the following new section:

374-F:10 Offshore Wind and Port Development; Commission Established.

I. There is established a commission to investigate, in parallel with the work of the Gulf of
Maine Intergovernmental Renewable Energy Task Force established by the Bureau of Ocean Energy
Management (BOEM) study, the economic development opportunities for New Hampshire in supply
chain needs, port capabilities, workforce development, energy procurement, transmission and
storage, and fisheries and marine environment, to ensure the success of offshore wind in the Gulf of
Maine. The commission may consider, at an appropriate time, in relation to the New Hampshire
state energy strategy, outlined in RSA 4-E, if contracts with developers and utilities can deliver
lower costs to ratepayers. The commission may coordinate with the advisory boards established in
Executive Order 2019-06 as to assist the commission in reaching its recommendations.

II. The members of the commission shall be as follows:

(a) Two members of the senate who are members of different political parties, appointed
by the president of the senate.

(b) Four members of the house of representatives, at least one of whom shall be a
member of the house environment and agriculture committee, one of whom shall be a member of the
fish and game and marine resources committee, and one of whom shall be a member of the house
science, technology & energy committee, appointed by the speaker of the house of representatives.

(c) The director of the office of strategic initiatives, or designee.

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

(e) The commissioner of the department of environmental services, or designee

(f) A representative of the public utilities commission, appointed by the chairperson.

(g) The executive director of the fish and game department, or designee.

(h) The consumer advocate, or designee.

(i) A member of the Pease development authority, appointed by the governor.

(j) A representative of Clean Energy NH, appointed by that organization.
(k) The president of the University of New Hampshire, or designee.
(l) The chancellor of the community college system of New Hampshire, or designee.
(m) Two members representing the New Hampshire commercial fishing community, appointed by the governor.
(n) The president of the Business and Industry Association of New Hampshire, or designee.
(o) Two members representing offshore wind-related labor, one of whom shall be appointed by the IBEW and one of whom shall be appointed by the New Hampshire AFL-CIO.
(p) A representative of a New Hampshire electric transmission utility, appointed by the governor.
(q) A representative of the Rockingham regional planning commission, appointed by the organization
(r) A representative of the Strafford regional planning commission, appointed by the organization.

III. The commission shall consider and make specific recommendations on the following topics:
(a) Existing and future opportunities to establish a supply chain supporting the development of offshore wind facilities.
(b) An assessment of the capabilities of the Portsmouth Harbor to become a regional hub for offshore wind, both on and off shore, to attract developers in the offshore wind industry.
(c) An evaluation of the potential workforce and workforce housing and transportation needs of the offshore wind industry and New Hampshire’s ability to provide workforce educational opportunities, training, development, and recruitment, housing, and transportation to meet those needs, and the benefits of utilizing a New Hampshire workforce to the fullest extent possible.
(d) Potential locations to interconnect offshore wind facilities to the onshore transmission grid, and the advisability of an independent transmission solicitation process.
(e) Opportunities for contracts and/or solicitations with offshore wind developers to ensure the full development of the projects and at the lowest cost to ratepayers.
(f) Opportunities for research partnerships with the University of New Hampshire and the community college system of New Hampshire on workforce development, technology, and environmental issues.
(g) Opportunities in coordination with the congressional delegation and the Department of the Navy for use of facilities at the Portsmouth Naval Shipyard.
(h) Appropriate accommodations and protections for fisheries and marine habitat.
(i) Coordination with partner states on marine surveys and studies, meta-ocean data, and transmission studies.
(j) Energy procurement requirements and schedules for public utilities.
(k) The role of energy storage in transmission procurement or energy procurement.

IV. The first meeting of the commission shall be called by the first-named senate member and shall be held within 30 days of the effective date of this section. The members of the commission shall elect a chairperson from among the members at the first meeting. Sixteen members of the commission shall constitute a quorum.

V. The commission shall make an annual report, starting on November 1, 2020, to the speaker of the house of representatives, the president of the senate, the governor, and the chairperson of the public utilities commission. The report shall describe the activities and findings of the commission and any recommendations for proposed legislation, direction to the New Hampshire congressional delegation for items requiring federal oversight, direction to the public utilities commission to initiate a proceeding for all items requiring state regulatory review, and direction to state agencies and communities concerning economic and educational development related to offshore wind development.

VI. The commission shall receive staff support and other services, including research and facilities assessments, from the department of business and economic affairs, office of offshore wind industry development established in RSA 12-O:51.

37:104 New Subdivision; Office of Offshore Wind Industry Development. Amend RSA 12-O by inserting after section 50 the following new subdivision:

Office of Offshore Wind Industry Development

12-O:51 Statement of Findings and Purpose. The general court hereby finds that the development of a new offshore wind development industry is in the beginning stages of expanding to northern New England. It should be a goal of the state of New Hampshire to maximize the economic benefit that will come to the state as a result of this new industry. In furtherance of these objectives, the general court hereby establishes an office of offshore wind industry development in the department of business and economic affairs.


I. There is established in the department of business and economic affairs the office of offshore wind industry development. The office shall be under the supervision of a classified director of the office of offshore wind industry development, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

II. The office of offshore wind industry development shall:

(a) Support the work of the New Hampshire members of the Intergovernmental Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management (BOEM).

(b) Support the work of the offshore wind commission established in RSA 374-F:10.
(c) Assist the offshore wind commission to develop and implement offshore wind development strategies including:

(1) Assessment of port facilities.
(2) Economic impact analyses.
(3) Supply chain analyses.
(4) Outcome and performance measurements.

(d) Collaborate with key state agencies and partners on offshore wind industry development initiatives.

(e) Coordinate offshore wind industry economic development policy, including:

(1) Development of workforce.
(2) Identification of and recruitment of offshore wind development employers.
(3) Identification and recruitment of offshore wind supply chain employers.
(4) Promotion of New Hampshire's benefits to the various components of the offshore wind industry.

(5) Provide updates and guidance to the general court with regard to policy and funding.

37:105 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-K:1 to read as follows:

126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of 21.

37:106 Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, V to read as follows:

V. "Minor" means a person under the age of 21.

37:107 Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, XI to read as follows:

XI. "Tobacco product" means any product containing or derived from tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes. “Tobacco product” shall not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the federal Food, Drug, and Cosmetic Act.

37:108 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the introductory paragraph of RSA 126-K:3, I to read as follows:

I. For the purposes of this chapter, any person responsible for monitoring sales from a tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or e-liquid which vending machine or other sale is to be made to any person who does not appear to be at least 21 years of age, shall require the purchaser to furnish any of the following documentation that such person is 21 years of age or over:
III to read as follows:

III. The establishment of all of the following facts by a person responsible for monitoring sales from a vending machine or a person or sampler making a sale or distribution of tobacco products, e-cigarettes, or e-liquid to a person under [49] 21 years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was [49] 21 years of age or older;
(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least [49] 21 years of age or older; and
(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually [49] 21 years of age or over.

37:110 Access to and Use of Tobacco Products; Sale and Distribution. Amend the section heading and paragraph I of RSA 126-K:4 to read as follows:

126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or E-Liquid to Persons Who Have Not Attained [49] 21 Years of Age Prohibited.

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products, e-cigarettes, or e-liquid to a person who has not attained [49] 21 years of age. The prohibition established by this paragraph shall not be deemed to prohibit persons who have not attained [49] 21 years of age employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, e-cigarettes, or [liquid nicotine] e-liquid during the duration of their employment.

37:111 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a, II to read as follows:

II. No person under [49] 21 years of age shall purchase, possess, or use any rolling paper. Any person who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed $100 for each offense.

37:112 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA 126-K:5, I and II to read as follows:

I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes, or [liquid nicotine] e-liquid in a public place or to a person who has not attained [49] 21 years of age. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.
(b) In a store to which a retailer's license has been issued.
(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport facilities in areas to which minors are denied access.

II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of
free samples of tobacco products, e-cigarettes, or [liquid nicotine] e-liquid to prevent their
distribution to persons who have not attained [49] 21 years of age.

37:113 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products, E-
Cigarettes, or E-Liquid. Amend RSA 126-K:6 to read as follows:

126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or E-Liquid [Nicotine] by Persons
Who Have Not Attained [49] 21 Years of Age.

I. No person under [49] 21 years of age shall purchase, attempt to purchase, possess, or use
any tobacco product, e-cigarette, device, or e-liquid except [that a minor who has] individuals who
have been issued a registry identification card under RSA 126-X:4 may purchase, possess and use
e-liquids containing cannabis and applicable devices as allowed under RSA 126-X.

II. The prohibition on possession of tobacco products, devices, e-cigarettes, or e-liquid shall
not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending
machine operator, sampler, or retailer from performing the necessary handling of tobacco products,
devices, e-cigarettes, or e-liquids during the duration of their employment.

III. A person who has not attained [49] 21 years of age shall not misrepresent his or her age
for the purpose of purchasing tobacco products.

IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who
violates this section shall not be considered a delinquent or a child in need of services.

V. Any person who has not attained [49] 21 years of age who violates this section may be
guilty of a violation and shall be punished by a fine not to exceed $100 for each offense or shall be
required to complete up to 20 hours of community service for each offense, or both. Where available,
punishment may also include participation in an education program.

37:114 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8, I(a) to
read as follows:

I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or e-liquid to a
person who has not attained [49] 21 years of age who has a note from an adult requesting such sale,
gift, or delivery. Tobacco products, e-cigarettes, or e-liquid shall only be delivered to a person who
provides an identification as enumerated in RSA 126-K:3 establishing that the person has attained
[49] 21 years of age.

37:115 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32 to read
as follows:

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to
persons 16 years of age or over who are charged with the violation of a motor vehicle law, an
aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title
XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance
which provides for a penalty not exceeding $100 plus the penalty assessment, and shall not be
construed as applying to any minor charged with the violation of any law relating to the possession,
sale, or distribution of tobacco products to or by a person under [49] 21 years of age. However, if
incarceration takes place at any stage in proceedings on such violations, incarceration shall be only
in a juvenile facility certified by the commissioner of the department of health and human services.
37:116 Children in Need of Services; Limitations of Authority Conferred. Amend RSA 169-D:22
to read as follows:
169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to
persons 16 years of age or over who are charged with the violation of a motor vehicle law, an
aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title
XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as
applying to any minor charged with the violation of any law relating to the possession, sale, or
distribution of tobacco products to or by a person under [49] 21 years of age.
37:117 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:
III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign
which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco
products or e-cigarettes to persons under age [49] 21. Warning: violators of these provisions may be
subject to a fine."
37:118 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:
(c) Does not allow any person under the age of [49] 21 on the premises unless
accompanied by a parent, legal guardian, or adult spouse.
37:119 Forms and Rate Regulation Applicable to Workers' Compensation; Auditable Basis
Policies. Amend RSA 412:35, IV to read as follows:
IV. (a) In cases where there is a bona fide dispute, the insurer shall notify the insured in
writing that there is a bona fide dispute and this notice shall toll the 120-day time period until the
dispute is resolved. Upon resolution of the dispute, the insurer shall proceed to complete the audit
within the time remaining in the 120-day time period. A bona fide dispute includes the insured's
failure to cooperate with the audit, provided the insurer has notified the insured of:
[(a)] (1) The acts or omissions that constitute the insured's failure to cooperate; and
[(b)] (2) The consequences of the insured's failure to cooperate, including delay in the
completion of the audit.

(b) The consequence of the insured's failure to cooperate with this paragraph
within 30 days of the notice shall be the assessment of a penalty equaling 3 times the
estimated premium and setting the estimated premium as the final premium. Upon receipt
of the penalty and final premium, the insured shall have an additional 10 days to request
that the penalty be waived and to have the final premium be recalculated based upon
actual exposure by completing the audit that is required by paragraph III. No timely
request by an insured for a waiver and recalculation shall be denied by the insurer. The
request shall be granted upon completion of the audit.
Commitment to Hospitals; Notification Authorized. Amend RSA 135:17-b, I to read as follows:

I. Notwithstanding any provision of law to the contrary, [in the event that] the first instance a person [who] has been charged with a violent crime and found incompetent to stand trial pursuant to RSA 135:17-a, and civilly committed pursuant to RSA 135-C or RSA 171-B, [or] found incompetent to stand trial pursuant to RSA 135:17 and committed pursuant to RSA 651:9-a, is transferred to another facility or discharged to the community, either conditionally or absolutely, the department of health and human services shall immediately notify the attorney general, who shall notify the victim as defined in RSA 21-M:8-k, I(a) and, in the event of a discharge, the law enforcement agency in the community to which the person is being discharged. For purposes of this section, discharge [shall include] means the initial authorization by the administrative review committee of New Hampshire hospital to allow a person to leave the grounds of the hospital unaccompanied by a hospital staff member.

Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:49, IV to read as follows:

IV. The administrator, or designee, of the facility may grant a person, whose condition is not considered appropriate for absolute discharge under paragraph I of this section, a conditional discharge.

Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, I to read as follows:

I. The administrator, or designee, of a receiving facility may grant a conditional discharge under this chapter to any person who consents, by an informed decision, to participate in continuing treatment on an out-patient basis, who agrees to be subject to any rules adopted by the commissioner relative to conditional discharge, and who understands the conditions of his or her discharge. The administrator of the facility or [his] the administrator's designee shall prepare, deliver a copy of, and read to the person being conditionally discharged a written statement of the conditions of conditional discharge and a warning that violation of those conditions may result in revocation of the conditional discharge pursuant to RSA 135-C:51.

Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, VI to read as follows:

VI. A person conditionally discharged pursuant to RSA 135-C:50 may be admitted to a receiving facility by an involuntary emergency admission under RSA 135-C:27-33. In such cases, the finding of probable cause for involuntary emergency admission by the district court pursuant to RSA 135-C:31, I, shall authorize the person's admission for no longer than a 10-day period, as provided in RSA 135-C:32, unless during the period of involuntary emergency admission the person's conditional discharge is absolutely revoked. No absolute revocation of conditional discharge shall be made pursuant to this section unless the administrator of the facility or his or her qualified designee
personally examines the individual and finds that the person conditionally discharged has violated a condition of the discharge or, at the time of the examination, is in such a mental condition as a result of mental illness so as to create a potentially serious likelihood of danger to himself or to others. If a person’s conditional discharge is absolutely revoked pursuant to this section, the person shall receive notice of the reasons for the absolute revocation and shall have a right to appeal as provided in RSA 135-C:52.

37:124 Anna Philbrook Center; Purpose. The section heading and the introductory paragraph of RSA 135-C:64 are repealed and reenacted to read as follows:

37:124 Behavioral Health Services for Children and Adolescents; Purpose. The commissioner shall maintain behavioral health services for children and adolescents in one or more facilities on the New Hampshire hospital campus, or other locations to be determined by the commissioner. All services for children and adolescents shall be appropriate for each child's developmental stage and shall address the educational, supervisory, and clinical needs of each child. The purposes of child and adolescent services shall include but not be limited to:

37:125 Child Protection Act; Appeals. Amend RSA 169-C:28, I to read as follows:

I. An appeal under this chapter may be taken to the [superior court] supreme court by the child or the child's authorized representative or any party having an interest, including the state, or any person subject to any administrative decision pursuant to this chapter, within 30 days of the final dispositional order; but an appeal shall not suspend the order or decision of the court unless the court so orders. [The supreme court shall hear the matter de novo, and shall give an appeal under this chapter priority on the court calendar.] For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court. "Final dispositional order" shall also include any ruling or order arising from an administrative hearing held or initiated by any administrative agency, including the department, in which a finding of child abuse or neglect is made.

37:126 Jurisdiction; Continued Jurisdiction, Modification; Obsolete Reference Removed. Amend RSA 169-C:4, III to read as follows:

III. When a custody award has been made pursuant to this chapter, said order shall not be modified or changed nor shall another order affecting the status of the child be issued [by the superior court except on appeal under RSA 169-C:28].

37:127 Commission to Study the Current Statutes Related to Management of Non-tidal Public Waterways; Extension of Reporting Date. Amend RSA 482-A:35, V to read as follows:

V. The members of the commission shall elect a chairperson and secretary from among the members. The first meeting of the commission shall be called by the by the first-named member of the house. The first meeting of the commission shall be held within 45 days of the effective date of this section. Subsequent meetings shall be at the call of the chair, or at the request of 3 or more commission members. Eight members of the commission shall constitute a quorum. The
commission shall make an interim report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, the senate clerk, the house clerk, and the state library on or before November 1, 2019. The commission shall make a final report of its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the governor, the commissioner of the department of environmental services, the senate clerk, the house clerk, and the state library on or before November 30, 2021.

37:128 Structures on Non-tidal Public Waterways Commission; Repeal Date Extended. Amend 2018, 95:3, I, as amended by 2019, 79:3 to read as follows:

I. Section 2 of this act shall take effect November 30, 2021.

37:129 Definitions; Beverage Vendor. Amend RSA 175:1, X to read as follows:

X. "Beverage vendor" means an individual, partnership, limited liability company, or corporation, including any subsidiaries thereof, which sells beverages or specialty beverages to wholesale distributors.

37:130 New Paragraph; Definition; Single Serve. Amend RSA 175:1 by inserting after paragraph LXII the following new paragraph:

LXII-a. "Single serve" means a specialty beverage container that does not exceed 16 ounces.

37:131 Definition; Beverage. Amend RSA 175:1, VIII to read as follows:

VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit juices, and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. The commission may approve any fermented malt beverage or mead greater than 6 percent but not to exceed 8 percent or any cider greater than 6 percent or any specialty cider greater than 8 percent and not to exceed 12 percent alcohol by volume at 60 degrees Fahrenheit. A beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, or a table wine as defined in RSA 175:1, LXIX, or a fortified wine as defined in RSA 175:1, LXVIII, or a liquor as defined in RSA 175:1, XLII.

37:132 New Paragraph; Definition; Specialty Beverage. Amend RSA 175:1 by inserting after paragraph LXIV-aa the following new paragraph:

LXIV-aaa. "Specialty beverage" means any wine based product or liquor based product with other liquids added for human consumption having a combined alcoholic content of not less than 6 percent alcohol by volume and not more than 8 percent alcohol by volume at 60 degrees Fahrenheit and sold in single serve ready to drink containers that shall not exceed 16 ounces. The commission may approve any specialty beverage. A specialty beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, a table wine as
defined in RSA 175:1, LXIX, a fortified wine as defined in RSA 175:1, LXVIII, or a liquor as defined in RSA 175:1, XLIII.

37:133 Wholesale Distributor License; Specialty Beverages Added. Amend RSA 178:16, I to read as follows:

I. Wholesale distributor licenses shall authorize the licensees to sell beverages in barrels, bottles, or other closed containers and specialty beverages in single serve containers to licensees for resale or to the general public. A wholesale distributor shall provide to an on-premises or off-premises licensee any obtainable beverage, specialty beverage, beer, specialty beer, or cider. Requested products shall be priced subject to special order terms as agreed by all parties. The holder of a wholesale distributor license shall maintain a regular place of business in this state.

37:134 New Paragraph; Wholesale Distributor License; Specialty Beverages Added. Amend RSA 178:16 by inserting after paragraph V the following new paragraph:

VI. Nothing in this chapter shall preclude or prevent a licensed liquor and wine representative, liquor vendor, or wine vendor from selling specialty beverages to the state nor place any limitations or restrictions on the commission from distributing and selling specialty beverages.

37:135 Additional Fees; Specialty Beverages Added. Amend RSA 178:26, I to read as follows:

I. In addition to the annual license fees provided in this chapter, a fee of $.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs; provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be $.18 per gallon as of the effective date of such legislation. A fee of 5 percent of the wholesale price per case of any specialty beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors or beverage manufacturers. For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee.

37:136 Beverage Vendor License; Specialty Beverages Added. Amend RSA 178:15, I to read as follows:

I. The holder of a beverage vendor license may sell beverages or specialty beverages to New Hampshire wholesale distributor licensees.

37:137 Beverage Manufacturer License; Specialty Beverages Added. Amend RSA 178:12, I to read as follows:

I. Beverage manufacturer licenses shall authorize the licensee to manufacture beverages and specialty beverages within the state and to sell the beverages manufactured to wholesale distributors.

37:138 Combination License; Specialty Beverages Added. Amend RSA 178:18, I to read as follows:
I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, [and] beverages, and specialty beverages for consumption only off the premises designated in the licenses and not to other licensees for resale. Such sale shall be made only in the immediate container in which the beverage, specialty beverage, wine, or fortified wine was received by the off-premises combination licensee; except that in the case of the holder of a wholesale distributor license, beverages and specialty beverages may be sold only in such barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses may also authorize the licensee to sell tobacco products or e-cigarettes. There shall be no restriction on the number of combination licenses held by any person. The license shall authorize the licensee to transport and deliver beverages, specialty beverages, tobacco products, e-cigarettes, and table or fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

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37:139  On-premises Beverage and Wine Licenses; Specialty Beverages. Amend RSA 178:20 to read as follows:

178:20 On-Premises Beverage and Wine Licenses.

I. The commission may issue a license to any of the types of businesses specified in paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b) and (c). The license issued shall entitle the licensee to serve beverages, specialty beverages, and wines and similar vinous liquors or fruit juices containing at least 1/2 percent and not over 24 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container, and by the bottle if the cap or cork is removed, for consumption on the premises designated by the commission.

II. The commission may authorize bed and breakfasts with suitable cooking and dining areas, dining cars, vessels serving food, restaurants, and outlets of the New Hampshire Fair Association who are members in good standing to serve beverages, specialty beverages, and wines in any areas approved by the commission at such times as food is available. New Hampshire Fair Association outlets shall not be subject to reduced fees as provided by RSA 178:29.

III. No beverages, specialty beverages, or liquor shall be consumed in the licensed areas except those that are sold by the licensee.

IV. No beverages, specialty beverages, or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

V. Notwithstanding the fact that the town of Errol has voted or votes in any referendum to prohibit the sale of liquor and beverages, a license as provided in paragraph I to sell beverages, specialty beverages, and wines by the glass or by the bottle, if the cork is drawn, to customers, may be issued to any full service restaurant in said town but only if the restaurant is open and does
business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

37:140 On-Premises Beverage and Liquor Licenses; Specialty Beverages Added. Amend RSA 178:21 to read as follows:

178:21 On-Premises Beverage and Liquor Licenses.

I.(a) The commission may issue a license to any of the types of businesses specified in paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license shall entitle the licensee to serve beverages or specialty beverages containing at least 1/2 percent and not more than [6] 8 percent alcohol by volume at 60 degrees Fahrenheit by the glass or other suitable container and by the bottle with the cork or cap removed; liquor containing more than 6 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container; and wines, by the glass, by the bottle with the cork or cap removed; or other suitable container, under rules adopted by the commission.

(b) No beverage, specialty beverage, or liquor shall be consumed on the premises except that which is sold by the licensee.

(c) No beverage, specialty beverage, or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

II. The commission may authorize establishments, as they are defined in RSA 175:1, having full service restaurants to sell beverages, specialty beverages, and liquor at such time as food is available.

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages, specialty beverages, and liquor at tables in the approved dining rooms of the restaurant with or without meals when the restaurant kitchen is in operation and meals are being actively promoted and served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed with the license application, covering the 12 most recent calendar months prior to filing, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual food sales of at least $75,000 shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exemption.

(3) Private groups contracting for function rooms may also be served beverages and liquor without food.

(4) Notwithstanding the fact that the towns of Newington, New Hampton, and Landaff have voted or vote in any referendum to prohibit the sale of liquor and beverages, a license
to sell beverages or specialty beverages by the glass or other suitable container or by the bottle with cap removed; wines or fortified wines by the bottle with cap removed; wines or fortified wines by the bottle, if the cork is drawn, or liquor by the glass or the suitable container to customers with meals at tables only, may be issued to any full service restaurant in the towns of Newington, New Hampton, and Landaff, but only if the restaurant is open and does business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

(5) Except as provided in this paragraph, no beverages, specialty beverages, or liquor shall be consumed in the licensed areas except those that are sold by the licensee. With the permission of the commission, a licensee may charge a fee for consumption of privately owned table wine stored on the premises and consumed with the purchase of a full-course meal.

(b)(1) Hotel Full Service Restaurant. The commission may issue a license to any hotel in any town. Notwithstanding the fact that the town where the hotel is located has voted not to approve the sale of beverages and specialty beverages in said town, the license issued to a hotel shall entitle the licensee to:

(A) Sell beverages, specialty beverages, and liquor by the glass or other suitable container and wine by the bottle, if the cork is drawn, or by other suitable container to guests in the dining room or in the rooms of guests.

(B) Sell beverages, specialty beverages, liquor, and wine by the bottle which shall be delivered to the rooms of guests, provided that such sales are not made below the cost of such beverages and liquor.

(C) Include a specified quantity of complimentary beverages, specialty beverages, and liquor as part of a contract for the hosting of a convention or offer a specified quantity of complimentary beverages, specialty beverages, or liquor in soliciting such conventions. As used in this paragraph "convention" means an assembly of persons participating in a business, political, professional, or other organizational gathering. Notwithstanding RSA 175:4 or any rules adopted under that section, hotels may advertise and offer package deals to resident guests, which include complimentary drinks, provided such offers shall be limited to persons of legal drinking age.

(D) Sell beverages, specialty beverages, and liquor in bottles or containers not exceeding one liter capacity, which shall be stored under lock and key in a cabinet or miniature refrigerated bar in hotel rooms and which shall be available only to hotel room guests who are of legal drinking age.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exception.

(3) Hotels may serve beverages, specialty beverages, and liquor in the dining room without meals provided the hotel kitchen is in operation and meals are being actively promoted and served in the dining room. The dining room may not be used as a substitute for lounge operations.
(c) Bed and Breakfasts. The commission may issue a license to any bed and breakfast
which has at least 4 rentable rooms and a dining area capable of seating the total number of
registered guests and shall entitle the licensee to:

1. Sell liquor, [and] beverages, and specialty beverages to registered guests in
any approved area or in the rooms of guests.

2. Sell liquor, [and] beverages, and specialty beverages by the bottle which shall
be delivered to the rooms of registered guests, provided that the charge for such liquor and beverages
is not below cost.

(d) Dining Cars. The commission may issue a license to any railroad or car corporation,
or designee, operating any dining cars in which food is served within this state, authorizing the
holder of the license to sell in such cars liquor, [and] beverages, and specialty beverages to be
consumed in such cars. Such license shall be good throughout the state in both license and non-
license territory, and only one such license shall be required for all cars operated in the state by the
same owner.

(e) Vessels. The commission may issue a special license to the owner or operator of a
passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor
with food or beverages or specialty beverages in any area of the vessel approved by the
commission.

37:141 On-Premises Cocktail Lounge Licenses; Specialty Beverages Added. Amend RSA 178:22
to read as follows:

178:22 On-Premises Cocktail Lounge Licenses.

I. The commission may issue a license to the types of businesses listed in RSA 178:22, V in
any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license issued
shall entitle the licensee to serve beverages, or specialty beverages by the glass, by the bottle with
cap removed or in any other suitable container, wines by the glass, by the bottle with the cork or cap
removed or in any other suitable container, or liquor by the glass or other suitable container.

II. No person under the age of 18 shall be in the cocktail lounge unless accompanied by a
parent, legal guardian, or adult spouse.

III. Except as provided in this paragraph, no beverages, specialty beverages, or liquor
shall be consumed in the licensed areas except those that are sold by the licensee. With the
permission of the commission, a licensee may charge a fee for consumption of privately owned table
wine stored on the premises and consumed with the purchase of a full-course meal.

IV. No beverages, specialty beverages, or liquor may be removed from the licensed
premises by patrons, except as provided by RSA 179:27-a.

V. The commission may authorize the following types of businesses as they are defined in
RSA 175:1 to sell beverages, specialty beverages, and liquor in cocktail lounges:
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(a) Airports. The commission may issue a cocktail lounge license to any operator of an
airport or designee. Such cocktail lounge license shall allow the licensee to serve liquor, specialty
beverages, and beverages in such rooms as may be designated by the commission. Food and coffee
shall be available without requiring a minimum or cover charge.

(b) [Repealed.]

(c) Ballrooms.

(1) The commission may issue a cocktail lounge license to any ballroom which has
seating accommodations for at least 500 patrons. The cocktail lounge license shall allow the licensee
to sell liquor, specialty beverages, and beverages to patrons but only at such times as "live
entertainment," as defined in RSA 175:1, is being provided by the licensee.

(2) Any ballroom may open its facilities to the public for functions of a limited
duration during which time liquor, specialty beverages, and beverages shall not be available to
patrons and during which time all liquor, [and] beverages, and specialty beverages shall either be
removed from the area open to the public or locked and unaccessible to persons other than employees
approved by the commission. Any licensee of a ballroom may so open the facilities upon notice in
writing to the commission at least 5 business days prior to the function. If the facility is open for
special functions at which time liquor, [and] beverages, and specialty beverages are not available
to patrons, the commission shall not impose any conditions as to who may attend such functions or
whether or not live entertainment is provided so long as local fire and building code requirements
are met.

(3) Any licensee of a ballroom may receive a supplemental license from the
commission to close all or part of the ballroom facilities to the public for special social functions at
which only bona fide members of a social club or organization or persons who have been invited to a
family social function shall be admitted. The commission shall issue such a license to allow the
licensee to sell liquor, [or] beverages, or specialty beverages to persons attending such social
functions if the licensee applies for one at least 5 business days prior to the function and pays a fee
for each such function. If only part of the ballroom facilities are used for such a function, the
licensee may operate the remaining facilities under his license issued under subparagraph (c)(1).

(d) [Repealed.]

(e) Caterers, On- and Off-Site.

(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site
permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more.
Such license shall allow the licensee to serve liquor, [and] beverages, and specialty beverages with
or without meals to members of a private party in any room of such on-site catering facility
designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall
be allowed in rooms where beverages, specialty beverages, and liquor are served without a parent
or guardian present. Such lounge license may allow the licensee to serve liquor, [and] beverages,
and specialty beverages on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of $100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer’s liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph. New premises or locations shall be approved by the commission 10 days before the scheduled events.

(B) The commission may issue a supplemental license to an on-site caterer licensed to sell beverages, specialty beverages, and liquor with food to the public on dates approved by the commission when no private function is being catered under RSA 178:22, V(e)(1)(A), unless such premises which have been approved by the commission are capable of being physically separated between public and private functions. The supplemental license may be issued to the applicant for 18, 36, or 52 events per license year. The fee charged for such license shall be $5 for 18, 36, or 52 events. A person issued a supplemental license under this subparagraph shall meet all requirements of RSA 178:22, I-IV. The caterer shall request the commission’s approval at least 5 days before any scheduled event to be serviced by a supplemental license. The commission may suspend or revoke the caterer’s supplemental license without affecting any other license issued for the premises.

(2) The commission may issue a license to any person operating an off-site catering service or any person holding a full service restaurant license, hotel full service restaurant, brew pub, or convention center license to conduct an off-site catering business on the premises of other licensed establishments or the premises of any public building approved by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where liquor, [and] beverages, and specialty beverages are sold. A license issued under the provisions of this paragraph shall allow the licensee to serve liquor, [and] beverages, and specialty beverages with or without meals to members of a private party contracting for such service. Such caterers shall notify the commission not less than 5 days in advance of a function specifying the date, time, and location of the scheduled function. New premises and locations shall be approved by the commission at least 10 days before the scheduled event.

(3) For the purposes of subparagraph (e):

(A) "Private group" means an assembly of persons gathered for a designated social or business occasion, present by invitation or reservation and shall in no way be construed to mean the general public.
(B) "Public building" means any building maintained and available for any
person, group, or organization, which may include retail business establishments, when they are not
open to the public; licensed premises, provided there is a physical, unmovable barrier between the
licensed business and the catered area; and tents, gazebos, or other defined outdoor areas, provided
2 separate toilet facilities are located in the immediate vicinity. A public building shall not be
construed to mean a private residence.

(4) Premises restrictions:

(A) The holder of a caterer's on- or off-site license shall ensure, at every function,
that all state laws are complied with and that any entertainment provided shall be approved by the
commission.

(B) On-site caterers and off-site caterers shall file, between January 15 and
February 15 of each year, a certificate form with the commission covering food and beverage,
**specialty beverage**, and liquor sales for the previous calendar year. All catered sales shall be noted
on the certificate form which shall be furnished by the commission.

    (f) College Clubs. A college or university club may be entitled to a license for the sale of
beverages, **specialty beverages**, and liquor to members and guests in a room or rooms approved by
the commission.

    (g) Military Club. An operator or designee of a military club may be entitled to a license
for the sale of liquor, **and** beverages, **and specialty beverages** to members and guests in a room
or rooms approved by the commission.

    (h) Veterans' Clubs, Private Clubs, and Social Clubs.

        (1) The commission may issue cocktail lounge licenses to private, social, or veterans'
clubs incorporated under the laws of the state and which may be affiliated with any national
fraternal organization, for the sale of liquor, **and** beverages, **and specialty beverages** to members
and guests in a room or rooms approved by the commission. A licensee under this subparagraph
shall sell for convenience and for a reasonable profit to be determined by the commission. Each
licensee shall make a sworn report to the commission for each month on or before the fifteenth of the
following month, in such form as the commission may require, showing the income from liquor and
beverages sold and the expenses properly chargeable to the business for the month. The cost of the
cocktail lounge license shall be considered an expense chargeable to the business. Veterans clubs
which qualify as "club-veterans' under RSA 175:1, XXII shall be exempt from the requirements of
subparagraphs V(h)(6)-(8), V(h)(9)(B)-(C), and V(h)(10)-(12).

        (2) No person under the age of 18 shall be in any room where liquor, **and** beverages,
**and specialty beverages** are sold, except persons under the age of 18 shall be allowed in rentable
rooms approved by the commission when beverages, **specialty beverages**, and liquor are served
without a parent or guardian present at such times the club is using a supplemental license.
The commission may issue to a club licensed under subparagraph (h)(1) a supplemental license to set up a separate bar facility to serve liquor, and specialty beverages, to private groups in a rental hall approved by the commission. This supplemental license shall allow the club to hold up to 18 events, 36 events, or 52 events for the fees established in RSA 178:29, I. The club shall be responsible for compliance with this title and any rules adopted under it. The club shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any other license in effect on the club premises.

Clubs may allow private groups to bring in or sell their own liquor, and specialty beverages in approved rental facilities provided there is a complete separation between the club area and the rental area.

Every member of a club, affiliated with a national fraternal organization and licensed under subparagraph (h), shall be entitled to canteen privileges at every club with which his or her club is affiliated in this state. Such canteen privileges shall include the right to bring guests to affiliated clubs, providing the member has on his or her person, and displays upon request, a current membership card of the national fraternal organization. A veterans' club licensed under subparagraph V(h) is authorized to permit, if approved by a majority of the members, the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges as if the members of the approved group or groups are members of the club.

No licensee corporation shall enter into a contract with any person to provide services, equipment, or any other thing of value if that person is also a director, officer, or employee of the licensee corporation.

No licensee corporation shall permit a person, either elected or appointed, to hold multiple corporate offices or permit an officer to hold the position of director.

No licensee corporation shall permit a director or officer of the club to be an employee of the licensee corporation.

All clubs shall annually provide written documentation to the commission which shall include:

A certificate from the secretary of state which shall demonstrate that the nonprofit corporation holding a license under this subparagraph is registered and in good standing with the secretary of state;

Minutes of all membership meetings, meetings held by officers and directors, and any special meetings;

Copies of all contracts entered into between the licensee corporation and any director, officer, or manager of the licensee corporation, as well as any provider of services to the club.

For the purposes of subparagraph (h):
(A) "Minutes" means detailed written memoranda of a transaction, proceedings, 
or club operations.

(B) "Contract" means any oral or written agreement between the licensee 
corporation and any other person, to do or not do a particular thing. The definition of a contract for 
the purposes of this section shall not be limited by its enforceability.

(11) No director, officer, or employee of a licensee corporation shall engage in any 
undertaking that shall place the personal interests of a person ahead of the interests of the 
membership of the club.

(12) Violations of subparagraph (11) of this subparagraph shall be investigated by 
the enforcement division of the liquor commission and directed to the department of justice for 
examination of issues unrelated to this title.

(i) Convention Centers. The commission may issue a cocktail lounge license 
to any convention center. Such license shall allow the licensee to sell liquor, [and] beverages, and 
specialty beverages in rooms approved by the commission, to persons within the convention center. 
Liquor, [and] beverages, and specialty beverages shall be sold with meals in the public dining 
rooms. Persons under 18 years of age shall be accompanied by a parent, legal guardian, or adult 
spouse when in convention rooms where liquor, [or] beverages, or specialty beverages are being 
sold. Patrons of any age may be allowed in the dining rooms.

(j) [Repealed.]

(k) Hotel. The commission may issue a cocktail lounge license to any hotel holding a 
hotel full service restaurant license issued under RSA 178:21, II(b)(1) to serve liquor and beverages 
in any room of a hotel designated by the commission. No cocktail lounge shall be operated on days 
that the dining room is closed. No cocktail lounge shall operate before the dining room opens for 
meals, except if breakfast and noon meals are not offered, the lounge may operate 2 hours before the 
dining room opens for the evening meal. The commission may extend the cocktail lounge license to 
include the use of a dining area in the restaurant of the hotel after such area has been closed for 
serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge 
is filled to capacity. In the overflow area, liquor, [and] beverages, and specialty beverages need 
not be served with meals. The commission may grant, regulate, suspend, or revoke a cocktail lounge 
license without affecting any other license granted to a hotel.

(l) One Day Licenses for Voluntary Nonprofit Organizations.

(1) Notwithstanding the provisions of RSA 178:2, I, the commission may issue a 
limited license to any responsible individual representing a voluntary nonprofit group or 
organization approved by the commission. Such license shall authorize the licensee to sell, on 
premises approved by the commission, beverages, specialty beverages, and liquor on the approved 
premises.
(2) No license shall be issued under subparagraph (l)(1) unless the organization's representative obtains:

(A) Official approval of the chief of the local fire department as to the safety of the premises.

(B) Official approval of the local health department concerning sanitary accommodations.

(C) Official approval of the chief of police as to accessibility of the premises. Written statements from such officials shall accompany the application for the license. Such application shall be filed with the commission 15 days before the date on which the license is needed.

(3) No person under the age of 18 shall be allowed in those areas where liquor and beverages are served, unless accompanied by a parent, legal guardian, or adult spouse. The selectmen of the town in which such licenses are held may, at their discretion, assign police officers to the premises where liquor, [or] beverages, or specialty beverages are being served.

(4) No license shall be issued under subparagraph (l)(1) for premises holding other licenses issued by the commission except rental facilities on licensed club premises approved by the commission. Notwithstanding any other provision of law, the commission or its investigators may suspend without warning any license issued under subparagraph (l)(1) if, in their opinion, such sale of liquor, [and] beverages, specialty beverages is contrary to the public interest.

(m) Performing Arts Facility. The commission may issue a cocktail lounge license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The cocktail lounge license shall allow the licensee to sell liquor, [and] beverages, and specialty beverages to patrons in any rooms designated by the commission.

(n) Race Tracks.

(1) The commission may issue to any operator of a race track or designee a cocktail lounge license which shall allow the licensee to serve liquor, [and] beverages, and specialty beverages to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission. Liquor, [and] beverages, and specialty beverages sold by a licensee under this subparagraph need not be consumed with meals, provided that suitable food services, approved by the commission, are available for patrons. A licensee under this subparagraph may sell beverages, specialty beverages, and liquor on dates other than those on which races take place.

(2) Notwithstanding the requirements of RSA 178:22, II and V, a commercial motor vehicle racetrack facility with a paved course of at least 1/4 mile may elect to have an exception to the cocktail lounge definition of RSA 175:1, XXIII and requirements under RSA 178:22, V(n)(1) to sell beverages and specialty beverages only, from commission-approved beverage service facilities located in areas approved by the commission within the commercial motor vehicle racetrack facility.
and allow patrons to carry beverages *and specialty beverages*, not exceeding 2 containers at any
time as approved by the commissioner, to approved grandstand seating, other seating
accommodations, or areas approved for alcoholic beverage consumption by the commission under
such rules as the commission may adopt pursuant to RSA 541-A.

(3) Notwithstanding paragraph III, a commercial motor vehicle racetrack licensed
under this section may allow patrons to carry beverages *and specialty beverages* into the facility
for on-premises consumption with approval of the commission.

(o) [Repealed.]

(p) Rail Cars. The commission may issue a cocktail lounge license to any railroad or rail
car corporation, or their designees, operating rail cars authorizing the licensee to sell liquor, *and* beveraflows, *and specialty beverages* in such cars to be consumed in such cars. The license shall be
good throughout the state in both license and non-license territory, and only one license shall be
required for all cars operated on the same line by the same owner.

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any
full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve
liquor, *and* beverages, *and specialty beverages* in any room of the restaurant designated by the
commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail
lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate
before the dining room opens for meals, except if breakfast and noon meals are not offered, the
cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor, *and*
beverages, *and specialty beverages* served in such room need not be consumed with meals.
The commission may extend the cocktail lounge license to include the use of a dining area in the
restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an
overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area,
liquor, *and* beverages, *and specialty beverages* need not be served with meals. Licenses shall be
granted only to such restaurants as the commission, at its discretion, shall approve and then only to
such restaurants as shall demonstrate to the commission, in the manner prescribed by the
commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall
fall within the category of food. Restaurants with annual food sales of at least $75,000 shall be
exempt from the 50 percent requirement, and the commission shall prorate the annual food sale
requirements for seasonal restaurants. The commission may grant, regulate, suspend, or revoke a
cocktail lounge license without affecting any other license granted to such restaurant.

(r) [Repealed.]

(s) Vessels.

(1)(A) Watercraft. The commission may issue a cocktail lounge license to any owner
or operator of a passenger vessel operating out of any port of the state. Such license shall allow the
sale of liquor, [and] beverage, and specialty beverages in any area of the vessel approved by the commission.

(B) Any licensee may open its vessel to school groups, youth organizations, or other gatherings of persons under the age of 18 years, for functions of a limited duration during which time all liquor, [and] beverages, and specialty beverages shall not be made available to patrons and during which time all liquor, [and] beverages, and specialty beverages shall either be removed from the vessel or be locked and unaccessible to persons other than employees approved by the commission. Any licensee who opens its vessel to groups under age 18 shall give written notice to the commission of such function at least 5 business days prior to the function. The provisions of RSA 178:22, II shall not apply during these functions.

(2) [Repealed.]

(t) [Repealed.]

(u) Sports/Entertainment Complex.

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor, [and] beverage, and specialty beverages in any clearly defined areas approved by the commission. Liquor, [and beverage] beverages, and specialty beverages shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any interscholastic event. The provisions of RSA 178:22, II shall not apply to this license.

(2) The commission may issue to any sports/entertainment complex licensed under subparagraph (u)(1) a supplemental license to set up a separate bar facility to serve liquor, [and] beverages, and specialty beverages to private groups in any area approved by the commission. The supplemental license shall allow the sports/entertainment complex to hold up to 9 events, 18 events, 36 events, and 52 events for the fees established in RSA 178:29, I. The sports/entertainment complex shall be responsible for compliance with this title and any rules adopted under it. The sports/entertainment complex shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any license in effect on the sports/entertainment complex premises.

(v) Sports Recreation Facility. The commission may issue a cocktail lounge license to any operator of a sport recreation facility or its designee. The license shall allow the licensee to serve liquor, and beverages, and specialty beverages to patrons in designated drinking areas as approved by the commission.

37:142 Exemptions for Large Groundwater Withdrawals from Replacement Wells. Amend RSA 485-C:22 to read as follows:

485-C:22 Exemptions for Large Groundwater Withdrawals From Replacement Wells.
I. Large groundwater withdrawals from new wells that replace a well or wells installed prior to August 1, 1998 shall not be subject to the requirements of RSA 485-C:14-a and RSA 485-C:21. Such wells shall require approval of the department under RSA 485-C:22, [III-IV] II-IV.

II. No person shall withdraw 57,600 gallons or more of groundwater from a replacement well or wells over any 24-hour period without the prior approval of the department.

III. Before the department issues an approval for a large groundwater withdrawal from a replacement well or wells, a person shall submit an application to the department to demonstrate the withdrawal from the replacement well or wells will:

(a) Operate and impact water users and resources in substantially the same manner as the well or wells that are being replaced; and

(b) Not cause an unmitigated impact to any existing drinking water supply described in RSA 485-C:21, V-c that exists at the time the application was submitted.

IV. Applications for approval of replacement wells shall be submitted to the department and contain the following information:

(a) Name and address of the well owner replacing the well or wells.
(b) Address and map identifying the location of the well or wells being replaced and the location of the replacement well or wells.
(c) Description of the well construction details of the well or wells being replaced and new replacement or replacement wells including:
   (1) Depth of well.
   (2) Length and diameter of well casing and screen.
   (3) Description of overburden and bedrock lithology of the well or wells being replaced and the new replacement well or wells.
(d) Hydrogeologic information that demonstrates that the effects of the replacement well or wells on water users and water resources identified by RSA 485-C:21, V-c will be substantially the same as the well that is being replaced.

(e) Hydrogeologic information, including withdrawal testing data and mitigation plans when necessary, that demonstrates the replacement well will not cause an unmitigated impact to any drinking water supply well described in RSA 485-C:21, V-c that exists at the time the application was submitted in accordance with rules adopted by the department pursuant to RSA 541-A.

(f) The department shall require that monitoring and mitigation plans be implemented when necessary to identify and mitigate the occurrence of such impacts or reduce the volume of the withdrawal. The department shall require a large groundwater withdrawal from a replacement well to cease and desist if such withdrawal causes unmitigated impacts to drinking water supply wells as described in RSA 485-C:21, V-c that exists at the time the application was submitted.
V. A person submitting an application to the department in accordance with paragraph III, shall provide a copy of the application to the governing body of municipalities located within 4,000 feet of the proposed replacement well.

VI. The department shall provide a copy of any final decisions it makes on an application submitted pursuant to paragraph III to the governing body of municipalities located within 4,000 feet of the proposed replacement well.

VII. Any party may appeal from the decision of the department to approve a withdrawal in accordance with paragraph III. Actions of the department under paragraph III may be appealed in accordance with RSA 21-O:14. The appeal shall be filed within 60 days after the approval of the department.

37:143 Lucky 7 Ticket Prices. Amend RSA 287-E:20, II to read as follows:

II. The price of any lucky 7 ticket pack or ticket card shall [not exceed] be either $.50 or $1, provided that at any location where a charitable organization offers $1 tickets for sale the charitable organization shall also offer $.50 tickets for sale.

37:144 Child Fatality Review Committee. Amend RSA 132:41, II(d) to read as follows:

(d) Improve the quality and comprehensiveness of child fatality data by enhancing and integrating information obtained from autopsies, death scene investigations, death certificates, police reports, medical records, and other relevant sources.

37:145 New Subparagraph; Child Fatality Review Committee. Amend RSA 132:41, III by inserting after subparagraph (bb) the following new subparagraph:

(cc) A representative from the fire marshal's office, appointed by the fire marshal.

37:146 New Subparagraph; Child Fatality Review Committee. Amend RSA 132:41, IV by inserting after subparagraph (d) the following new subparagraph:

(e) The chairpersons may invite any expert or member of the public to committee meetings.

37:147 Repeal. RSA 132:41, VII(c), relative to the exemption of the child fatality review committee from the requirements for nonpublic session under RSA 91-A:3, is repealed.

37:148 Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Alcohol and Drug Free Housing; Voluntary Registration Program. RSA 172-B:2, V is repealed and reenacted to read as follows:

V.(a) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to establishing and providing for the administration of a voluntary registration program for operators of certified recovery housing seeking registration in the state of New Hampshire. The rules developed for the administration of the registration program shall include:

(1) A process for receiving complaints against certified recovery housing operators.
(2) Certification based on national standards including, but not limited to, documents to show the recovery house meets minimum safety and recovery standards including, but not limited to health, building, zoning, and fire inspection approvals, proof of insurance, resident agreement, emergency procedures, and policies and procedures addressing grievances, non-discrimination, code of ethics, and safe storage of medication.

(3) Criteria by which the department may exclude a residence from the list if the frequency or severity of complaints received supports a determination that the recovery housing at issue does not maintain standards or provide an environment that appropriately supports recovery.

37:149 New Paragraph; Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Recovery Housing. Amend RSA 172-B:2 by inserting after paragraph VI the following new paragraph:

VII.(a) The commissioner or designee shall designate an entity to serve as the certifying body for a voluntary certification program for recovery residences based upon standards determined by the National Alliance for Recovery Residences (NARR) or a similar entity. The certifying body shall establish and implement a certification program for recovery residences that maintain nationally-recognized standards that:

(1) Uphold industry best practices and support a safe, healthy, and effective recovery environment;

(2) Evaluate the residence’s ability to assist persons in achieving long-term recovery goals;

(3) Protect residents of recovery residences against unreasonable and unfair practices in setting and collecting fee payments; and

(4) Verify good standing with regard to local, state, and federal laws and any regulations and ordinances including, but not limited to, building, maximum occupancy, fire safety and sanitation codes.

(b) The certifying body shall investigate complaints received by the department regarding non-compliance with NARR standards. The certifying body shall provide an annual report to the department, and shall report quarterly on any newly certified houses or houses that are out of compliance. The certifying body shall inform the department within 5 business days if a recovery house’s certification is suspended or revoked.

(c) The department shall identify certified recovery houses in good-standing on the registry created pursuant to paragraph V.

(d) The department shall adopt rules, pursuant to RSA 541-A, relative to the process for certification and the requirements of this paragraph.

37:150 Alcoholism and Alcohol Abuse; Provision of Services; Referral Process for Certified Recovery Housing. Amend RSA 172-B:2, VI to read as follows:
VI. The department shall prepare, publish, and disseminate a list of [alcohol and drug free housing registered] recovery housing pursuant to paragraph V. A state agency or vendor with a state or federally funded contract that is providing treatment or recovery support services to a person shall not refer the person to [alcohol and drug free] recovery housing unless the [alcohol and drug free] recovery housing is [registered] certified pursuant to paragraph V. [Nothing in this section shall prohibit a residence that is not registered from operating or advertising as alcohol and drug free housing or from offering residence to individuals recovering from substance use disorders.]

37:151 Committee Established. There is established a committee to study state and municipal authority governing recovery housing.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study state and municipal authority governing recovery housing to ensure the safety and wellbeing of individuals and families residing in recovery housing and to promote positive integration of recovery housing within surrounding neighborhoods. The committee shall also study incentives for recovery operators to adhere to nationally recognized quality standards.

IV. The committee shall solicit information and assistance from any governmental entity, organization, or person the committee deems necessary in carrying out its duties including, but not limited to, the department of justice, the department of health and human services, the New Hampshire fire marshal's office, the New Hampshire Municipal Association, and municipalities.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2020.

37:152 Effective Date.

I. Sections 1, 36-39, 40-42, 44, 45, 47-79, 86-92, 102-104, 119, and 142 shall take effect 60 days after its passage.

II. Sections 80-83 and 93 of this act shall take effect January 1, 2021

III. Sections 97-99 and 120-126 of this act shall take effect July 1, 2020.

IV. Section 101 of this act shall take effect November 1, 2021.
V. The remainder of this act shall take effect upon its passage.

Approved: July 29, 2020

Effective Date:
II. Sections 80-83 and 93 shall take effect 1/1/21.
III. Sections 97-99 and 120-126 shall take effect 7/1/20.
IV. Section 101 shall take effect 11/1/21
V. Remainder shall take effect 7/29/20.