HB 1768-FN - AS INTRODUCED

2018 SESSION

18-2516
08/04

HOUSE BILL ***1768-FN***

AN ACT establishing a cannabis control commission.

SPONSORS: Rep. Cleaver, Hills. 35; Rep. J. Schmidt, Hills. 28

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a cannabis control commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2516
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT establishing a cannabis control commission.

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

1 New Chapter; Cannabis Control Commission. Amend RSA by inserting after chapter 176-A the following new chapter:

CHAPTER 176-B

CANNABIS CONTROL COMMISSION

176-B:1 Commission. There shall be a state cannabis control commission under the executive direction of a cannabis control commissioner, who shall also be known as the chairman of the cannabis control commission, appointed by the governor with the consent of the council. The commissioner shall have significant business management experience and shall complete a criminal history records check prior to confirmation by the council. The cannabis control commissioner shall hold office for a term of 4 years. If a vacancy shall occur, it shall be filled for the remainder of the term. The commissioner may be removed by the governor and council for cause.

176-B:2 Cannabis Control Commissioner; Compensation. The annual salary of the commissioner shall be as specified in RSA 94:1-a, and the commissioner shall receive his or her reasonable expenses while traveling in the performance of his or her duties, provided that the commissioner shall not be allowed as expenses, travel between his or her place of residence and the commissioner's office in Concord, nor shall the commissioner be allowed board or lodging while in Concord.

176-B:3 Deputy Commissioner.

I. The commissioner shall nominate a deputy commissioner for appointment by the governor with the consent of the council who shall be qualified to hold that position by reason of education and experience. The deputy commissioner shall hold office for a term of 4 years and may be reappointed. The deputy commissioner shall be subject to a criminal history records check by the state police prior to appointment.

II. If a vacancy shall occur in said office, it shall be filled for the remainder of the term. The deputy commissioner may be removed by the governor and council for cause.

III. The annual salary of the deputy commissioner shall be as specified in RSA 94:1-a.

IV. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

V. The deputy commissioner shall, subject to the supervision of the commissioner, exercise authority as required to ensure that the divisions and their directors are implementing the

organizational goals and managing the work of the commission in an effective and efficient manner.

176-B:4 Duties. The primary duties of the cannabis control commission shall be to:

I. Optimize the efficiency of the commission.

II. Assume responsibility for the effective and efficient operation of the commission.

III. Provide service to the customers of the commission, pursuant to this chapter.

IV. Consult with the general court in developing and maintaining appropriate cannabis regulations and controls.

176-B:5 Requirements. The commissioner and deputy commissioner shall serve the interests of the commission. The commissioner and deputy commissioner shall not have any financial interest, direct or indirect, in the cannabis business.

176-B:6 Offices; Seal. The commission shall be provided with suitable offices in the city of Concord. It shall adopt an official seal.

176-B:7 Assistants and Employees. The state cannabis control commission may employ such assistants as are, in its opinion, necessary for the proper transaction of its business, and fix their compensation, subject to the rules of the director of personnel. It may secure any necessary technical or professional assistance.

176-B:8 Preference Given. Any person who served for not less than 90 days in the armed forces of the United States during any war in which the United States was engaged, and received an honorable discharge from such service, shall be given preference in appointment under the provisions of RSA 176-B:7 and RSA 176-B:9, if qualified for such positions.

176-B:9 Rulemaking. The commission shall adopt rules, under RSA 541-A, relative to:

I. Procedures for regular and special meetings of the commission.

II. Procedures for responses to petitions on rulemaking.

III. Methods of complying with requests for information under RSA 91-A, including copying fees sufficient to cover the cost of copies.

IV. Declaratory ruling procedures.

V. Identifying and making contracts with suppliers.

VI. Sales in agency liquor stores under RSA 177.

VII. Which products shall be sold, including but not limited to, flowers, edibles, and liquids.

VIII. Setting pricing schedules.

IX. Any other matters necessary to implement its duties under this chapter. As a condition of the commission invoking its rulemaking authority under this paragraph, the cannabis control commission shall provide a written report detailing the necessity for the proposed rule as set forth in the rulemaking notice, to include any fiscal impact or policy implications related to the adoption of the proposed rule, to the chairpersons of the house and senate executive departments and administration committees, the chairpersons of the house and senate standing committees with jurisdiction over revenue collection, the joint legislative committee on administrative rules, and the chairperson of the fiscal committee of the general court.

2 Compensation of Certain State Officials; Cannabis Control Commission. Amend RSA 94:1-a, I(b) by inserting the following:

GG	Cannabis control commission	commissioner
GG	Cannabis control commission	deputy commissioner

3 Effective Date. This act shall take effect July 1, 2018.

LBAO
18-2516
11/22/17

HB 1768-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing a cannabis control commission.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2019**	**FY 2020**	**FY 2021**	**FY 2022**
Appropriation	$0	$0	$0	$0
Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill would establish the Cannabis Control Commission and creates two new executive positions, the Cannabis Control Commissioner and the Deputy Cannabis Control Commissioner. Each position is appointed by the Governor with the consent of the Executive Council for a term of 4 years. The Department of Administrative Services indicates the bill would increase state expenditures and revenues by an indeterminable amount. Both positions would be hired at the GG salary grade. The Department assumes the Commissioner would be hired at salary step 3 and the Deputy at salary step 1. The Department estimated the costs for these positions including salary, benefits and other expenses as follows:

	FY 2019	FY 2020	FY 2021	FY 2022
Commissioner	$126,000	$128,000	$135,000	$143,000
Deputy Commissioner	$114,000	$116,000	$124,000	$131,000
Total	$240,000	$244,000	$259,000	$274,000

The Department indicates the bill makes reference to divisions and their directors and authorizes the Commission to employ any assistants necessary for the proper transaction of business, including necessary technical or professional assistance. The Department is not able to estimate the cost or number of additional staff members based on the bill as introduced.

The New Hampshire Liquor Commission indicates the bill would create a new state agency resulting in an indeterminable increase state revenue and expenditures. The Commission is not able to determine the fiscal impact without information on the number or classifications of staff.

AGENCIES CONTACTED: