May 7, 2026
No. 18A

STATE OF NEW HAMPSHIRE

Website Address: https://gc.nh.gov

Senate Meeting Schedule Website Address:

https://gc.nh.gov/senate/schedule/dailyschedule.aspx

All Standing Committee hearings will be livestreamed on the NH Senate's YouTube channel:

https://www.youtube.com/NewHampshireSenateLivestream

Links are also available on the Senate Meeting Schedule.

Second Year of the 169th Session of the New Hampshire General Court

SENATE CALENDAR ADDENDUM

THE SENATE WILL MEET IN SESSION ON THURSDAY, MAY 14, 2026 AT 10:00 A.M. IN THE SENATE CHAMBER

The Senate Session on Thursday, May 14, 2026, in the Senate Chamber will be live streamed at the following link:

https://youtube.com/live/xkUhsgh3skk?feature=share

Please note, this link will not be live until the Senate Session on Thursday, May 14, 2026 at 10:00 A.M.

CONSENT CALENDAR REPORTS

FINANCE

HB 155-FN, relative to business enterprise tax returns and appropriating funds to the department of health and human services for licensed nursing facilities.
Ought to Pass with Amendment, Vote 8-0.
Senator Lang for the committee.

The Senate Finance Committee amended this bill by raising the filing threshold for the Business Enterprise Tax from $298,000 to $375,000, thereby reducing the tax and administrative liability for over 3,500 Mom and Pop-type of businesses in New Hampshire. HB 155-FN also allows the Department of Health and Human Services the ability to carry forward funds transferred into the 504 account line for the purpose of stabilizing the Medicaid long-term care per diem rates for our New Hampshire nursing homes.

HB 1102-FN, increasing the research and development tax credit cap and relative to state park fees for state residents.
Ought to Pass with Amendment, Vote 7-0.
Senator Lang for the committee.

This bill raises the aggregate value and the hard cap of all Research and Development Tax credits that businesses can claim. HB 1102-FN also requires the Commissioner of the Department of Natural and Cultural Resources to set fees to state parks for residents at no more than 50 percent of what they are for out-of-state residents. Veterans and school or student groups will not be eligible for discounted or waived rates as this legislation allows for separate fee schedules for specific uses at all state parks. The Senate Finance Committee amended the bill to change the effective date of Section 3, pertaining to the state park fees, to July 1, 2027.

HB 1415-FN, establishing a special veterans license plate and creating a fund and administrative programs from the proceeds of the sale of such plates and establishing the New Hampshire first for veterans program and authority.
Ought to Pass, Vote 7-0.
Senator Birdsell for the committee.

This bill, as amended by the Senate Finance Committee, authorizes a special veterans license plate and establishes a fund and administrative programs from the proceeds of the sale of these plates. HB 1415-FN also establishes the First for Veterans program, designed to attract, retain and support veterans in the state.

HB 1491, relative to pooled risk management programs.
Ought to Pass with Amendment, Vote 7-0.
Senator Gray for the committee.

This bill provides an insurance alternative to the RSA 5-B risk pool program. HB 1491 provides for a non-assessable program using Risk Based Capital (RBC) to determine the member rates.

HB 1555-FN, relative to the administration and enforcement of the state fire code.
Ought to Pass, Vote 7-0.
Senator Pearl for the committee.

HB 1555-FN allows the state fire marshal to hear de novo appeals of local fire chief decisions within set timelines and grants them statewide authority to approve, deny, or allow project-specific alternatives and code modifications under the state building code. The Senate Finance Committee amended the effective date of the bill.

HB 1569-FN, repealing the directive that the state sell the Anna Philbrook Center for Children property in Concord.
Ought to Pass, Vote 7-0.
Senator Rosenwald for the committee.

HB 1569-FN repeals the requirement that the state sell the Anna Philbrook Center property located in Concord, New Hampshire. The Department of Health and Human Services has made it clear they still require the beds and space the Philbrook Center makes available to accommodate the needs of the state. The revenue which would have come from the sale will be partially offset by income from third party contracts as the Center continues to be used.

HB 1598-FN, relative to notice and proceedings for tenants and landlords engaged in eviction processes.
Ought to Pass, Vote 7-0.
Senator Innis for the committee.

This bill would amend various landlord-tenant laws. HB 1598-FN would also address misconduct by tenants, and allow landlords to access areas commonly associated with the ownership of the rental property for repairs and other lawful functions. The Judicial Branch assumed they would take on additional administrative and case processing responsibilities, which could cost between $50,000 and $250,000 beginning in FY 2028.

HB 1705-FN, establishing an employee assistance program for small town and volunteer first responders.
Ought to Pass with Amendment, Vote 7-0.
Senator Rosenwald for the committee.

This bill helps address a lack of access to existing mental health resources in communities across the state, specifically to support first responders. HB 1705-FN establishes a fund to cover the costs of enrolling and supporting first responders from small communities into the state-provided employee assistance program (EAP) and outlines eligibility, enrollment, and reporting requirements for the Department of Health and Human Services. The Senate Finance Committee made a small edit to the contingency funding portion of the legislation.

HB 1774-FN, relative to qualifying scholarship granting organizations and federal workforce Pell grants.
Ought to Pass, Vote 7-0.
Senator Innis for the committee.

This bill would direct the Department of Revenue Administration to participate in the federal income tax credit for contributions of individuals to qualified scholarship granting organizations; direct the Department of Education to create a qualifying scholarship granting organizations list; and direct the Governor to approve workforce training programs for federal Workforce Pell Grants. HB 1774-FN would not result in additional administrative costs as both the revenue and expenditure impacts were indeterminable.

HB 1775-FN, relative to utility ownership of natural gas and nuclear power generation facilities.
Ought to Pass, Vote 7-0.
Senator Pearl for the committee.

HB 1775-FN would allow electric utilities to invest in or own natural gas and nuclear power generation facilities. The Senate Finance Committee amended the bill to make technical revisions that clarify how reliable, dispatchable, and controllable power generation is coordinated with distributed energy resources.

JUDICIARY

HB 1124, relative to the right to compute.
Interim Study, Vote 5-0.
Senator Altschiller for the committee.

House Bill 1124 as introduced creates a statutory right to privately own and use computational resources for lawful purposes and prohibits government entities from restricting such use unless narrowly tailored to serve a compelling government interest. The bill defines computational resources to include hardware, software, networks, cryptography, machine learning, and related technologies. The Committee raised concerns about the bill's broad language of placing all aspects of computing as speech under the first amendment. The Committee felt that the standard of a "compelling government interest" could create unintended consequences for enforcement of existing laws, municipal zoning authority, consumer protection statutes, and regulation of data centers and other infrastructure-related impacts.

HB 1637, relative to the scheduling of hearings on certain motions to modify or revoke bail.
Ought to Pass with Amendment, Vote 5-0.
Senator Altschiller for the committee.

House Bill 1637 as introduced requires that hearings on motions to modify or revoke bail in domestic violence, stalking, and harassment cases be scheduled within 72 hours, excluding weekends and state or federal holidays, regardless of whether the motion is filed by the state or the defense. The committee amendment expands the bill to apply the same scheduling requirements to motions for reconsideration of bail conditions in circuit court and superior court proceedings involving alleged violations of release conditions.

HB 1665, relative to the issuance of subpoenas in administrative proceedings.
Interim Study, Vote 5-0.
Senator Abbas for the committee.

House Bill 1665, as amended by the House, grants all parties to an administrative proceeding equal authority to subpoena witnesses and documents, using the same subpoena authority provided under RSA 516:2 through RSA 516:5. The Committee recommends the bill be referred to Interim Study after raising concerns regarding which administrative proceedings and municipal quasi-judicial hearings would be affected, and whether the subpoena procedures should be more clearly incorporated within RSA 541-A.

REGULAR CALENDAR REPORTS

FINANCE
HB 707-FN, establishing a solid waste site evaluation committee.
Ought to Pass with Amendment, Vote 7-1.
Senator Pearl for the committee.
HB 1064-FN, relative to liability of governmental units.
Ought to Pass, Vote 5-3.
Senator Birdsell for the committee.
HB 1499-FN, relative to additional grounds for eviction under the landlord and tenant statute.
Ought to Pass with Amendment, Vote 7-0.
Senator Lang for the committee.
HB 1718-FN, relative to authorizing energy storage in connection with net metering.
Ought to Pass with Amendment, Vote 7-0.
Senator Pearl for the committee.

JUDICIARY
HB 609-FN, relative to the general court's authority over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, and other matter pertaining to firearms, stun guns, Tasers, pepper spray devices, knives and other self-defense tools.
Ought to Pass with Amendment, Vote 3-2.
Senator Abbas for the committee.
HB 1384, relative to prohibiting foreign adversary persons or foreign entities of concern from financing lawsuits.
Ought to Pass with Amendment, Vote 3-2.
Senator Gannon for the committee.
HB 1416, prohibits certain government regulations regarding pregnancy resource centers in connection with abortion and contraception service offerings.
Ought to Pass with Amendment, Vote 3-2.
Senator Abbas for the committee.

AMENDMENTS

Senate Finance
May 12, 2026
2026-1913s
07/05

Amendment to HB 155-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to business enterprise tax returns and relative to appropriations for nursing home payments.

Amend the bill by replacing all after section 1 with the following:

2 Department of Health and Human Services; Division of Long Term Supports and Services; Nursing Home Payments. Amend 2025, 140, 05-95-48-482010-2152, Class Note 504 to read as follows:

504 The appropriation in Class 504 shall not lapse, except where noted below, shall not be used for any other purpose, and shall not be considered for budget reductions required pursuant to any section of this act or any other budget reduction, including executive orders, required of the department of health and human services. To the extent that nursing home rates paid to providers in 504-Nursing Home Payments are less than the rates established by the department, prior to applying the budget adjustment factor, any balance remaining, less transfers made into class 504 [~~which shall lapse~~], shall be paid out to providers as a lump sum payment within 30 days of the year end, proportionally based on Medicaid class 504 payments made to such providers during the fiscal year. ***All funds which are transferred into class 504 during the fiscal year ending June 30, 2026, that will not be expended, shall not lapse and are hereby appropriated to the department of health and human services for the state fiscal year ending June 30, 2027, for the purposes of supporting Class 504 Nursing Home Payments.***

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2027.

II. The remainder of this act shall take effect June 30, 2026.

2026-1913s

AMENDED ANALYSIS

This bill:

I. Raises the amount of income needed before businesses are required to file a business enterprise tax return with the department of revenue administration.

II. Makes all unexpended funds transferred into Class 504 during the fiscal year ending June 30, 2026 nonlapsing and appropriates such funds to the department of health and human services for the purposes of supporting Class 504 nursing home payments.

Senate Judiciary
May 12, 2026
2026-1917s
09/08

Amendment to HB 609-FN

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

1 Firearms, Ammunition, and Knives; Authority of the State. Amend RSA 159:26 to read as follows:

159:26 Firearms, Ammunition, and Knives; Authority of the State.

I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, firearms supplies, ***stun guns, Tasers, pepper spray devices,*** [~~or~~] knives***, or other self-defense tools*** in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating firearms or knives businesses in the same manner as other businesses or to take any action allowed under RSA 207:59.

II. Upon the effective date of this section, all municipal ordinances and regulations not authorized under paragraph I relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm components, ammunition, firearms supplies, ***stun guns, Tasers, pepper spray devices,*** [~~or~~] knives***, or other self-defense tools*** shall be null and void.

2 Effective Date. This act shall take effect upon its passage.

2026-1917s

AMENDED ANALYSIS

This bill provides that the state has authority and jurisdiction over the regulation of firearms, stun guns, Tasers, pepper spray devices, knives, and other self-defense tools, to the extent consistent with federal law.

Senate Finance
May 12, 2026
2026-1932s
08/09

Amendment to HB 707-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a solid waste site evaluation committee.

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

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

Solid Waste Site Evaluation Committee

149-M:65 Declaration of Purpose.

I. The legislature and the executive branch recognize that the selection of sites for major solid waste disposal facilities may have significant statewide, regional, and local impacts that are not fully evaluated through existing regulatory review.

II. Accordingly, the general court finds that it is in the public interest to establish a procedure to evaluate the local, regional, and statewide benefits and burdens of a new major solid waste facility that are not captured by existing regulatory reviews, including public health and safety, noise, odor, aesthetics, local and regional economic impacts, property value impacts, nature and source of waste, need, impacts on tourism, recreation and traffic, and other similar impacts.

III. Furthermore, the general court recognizes there is a compelling state interest in maintaining adequate, reasonably priced, and environmentally protective disposal capacity for solid waste generated in New Hampshire.

IV. The general court prefers that new landfill capacity be developed in expansions of existing permitted landfills or brownfield sites instead of on greenfield sites.

149-M:66 Definitions. In this subdivision:

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

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

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

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

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

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

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

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

IX. “Human health” is defined to be consistent with “public health and safety” as that term is utilized in RSA 162-H.

X. “Landfill expansion” means an addition to the permitted capacity of an existing facility as defined in RSA 149-M:4, IX.

XI. “Major solid waste disposal facility” means a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste with a proposed waste acceptance rate greater than 100,000 tons per year. “Major solid waste disposal facility” does not include a facility designed to manage food waste in accordance with RSA 149-M:27, V(b)(1)-(5), or any facility proposed to be constructed by a New Hampshire municipal government.

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

149-M:67 Solid Waste Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire solid waste site evaluation committee consisting of 7 members, as follows:

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

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

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

(d) Four members and, when required by RSA 149-M:68, an alternate member, appointed by the governor with the consent of the executive council, including a member who serves on a local conservation commission, a member who has expertise in the private waste management industry, a member with expertise in municipal planning, and one member with expertise or experience in environmental protection, environmental health, or environmental science.

(e) At any given time, there shall not be more than 2 members of the committee with current or past employment, contract work, or consulting services in the private waste management industry.

(f) No member of the committee may be an employee or contractor of an entity that owns or operates an existing or planned major solid waste disposal facility or an entity that has applied to own or operate a major solid waste disposal facility.

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

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

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

(a) Serve as presiding officer.

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

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

(d) Engage personnel in accordance with this chapter.

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

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

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

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

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

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

149-M:69 Administrator and Other Committee Support. The administrator shall provide support to the committee. If the administrator is not available or the position is vacant, the committee may hire an independent contractor at the expense of the applicant. The administrator shall be under the supervision of the chairperson when performing duties for the committee. The administrator shall be compensated for work performed for the committee as set forth in RSA 149-M:85. The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary.

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

I. The committee shall:

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

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

(c) Adjudicate enforcement matters.

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

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

(f) Execute the general court's stated preference that new landfill capacity shall be based on need and shall only be developed in accordance with RSA 149-M:65, IV.

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

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

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

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

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

149-M:71 Prohibitions and Restrictions.

I. No person shall commence construction of any major solid waste disposal facility within the state unless it has obtained a certificate pursuant to this chapter. Such facilities shall be constructed, operated, and maintained in accordance with the terms of the certificate. Such certificates are not required for changes or additions to existing facilities unless they propose an increase in the average permitted annual capacity over the lifespan of the existing facility greater than or equal to 50,000 tons or 100,000 cubic yards per year. Such a certificate shall not be transferred or assigned without approval of the committee. Unless otherwise specified in this chapter, any approved major solid waste facility shall not be constructed, operated, or closed in a manner materially different than the manner in which it was presented in the application for a certificate as modified and conditioned by such certificate.

II. Notwithstanding RSA 541-A:29 or any other law to the contrary, an application for a certificate from the committee shall be approved or denied by the committee prior to final decisions on all other state agency permit applications, except for the department's determination in accordance with RSA 149-M:11, III. Applications for certificates may be filed and evaluated by the committee concurrently with other state approvals and public hearings may be scheduled concurrently with hearings held by other state agencies as part of their permitting process for the same facility.

III. Notwithstanding paragraph II, for facilities under review by the department for a permit on or prior to July 1, 2026, an application for a certificate from the committee shall be approved or denied after other state agency approvals have been obtained. The committee need not assess technical questions already considered by other states or federal agencies, but shall take into account the conclusions of these analyses, including permit terms and conditions, in its approval or denial of the certificate. The committee may also take into account independent analyses in its process of approval or denial of the certificate.

149-M:72 Application for Certificate.

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

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

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

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

(b) Describe in reasonable detail the source of waste to be accepted and if there is a preference for waste originating within the state of New Hampshire.

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

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

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

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

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

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

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

(j) Provide a reasonable amount of information relative to the potential economic harms of the proposed project on the local area, affected municipalities, the region, the state, and potential infrastructure deterioration.

(k) Provide a reasonable amount of information relative to the potential economic benefits of the proposed project on the local area, affected municipalities, the region, the state, and potential infrastructure improvements.

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

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

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

VI. The committee shall require the applicant to hire an independent third party at the expense of the applicant and agreed upon by the committee in consultation with the municipality where the facility is proposed to be located, to peer review any assessments provided under this section.

VII. The chairperson or designated presiding officer shall decide whether to accept the application as administratively complete within 60 days of filing. If the chairperson or designated presiding officer rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 30 days of receipt of notification of rejection. Such deadlines may be extended by agreement of the applicant and the committee.

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

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

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

XI. The committee may request that state agencies with relevant technical expertise

participate in committee proceedings.

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

XIII. The committee may deny a certificate based upon the department's findings in relation to RSA 149-M:11, III.

XIV. The committee may deny a certificate based upon the criteria in RSA 149-M:9, IX.

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

149-M:73 Disclosure of Ownership. Any application for a certificate, or for change in ownership and transfer of certificate, shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

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

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

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

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

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

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

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

149-M:74 Application and Filing Fees.

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

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

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

(b) Filing fees for administrative proceedings:

(1) Petition for committee jurisdiction: $500.

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

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

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

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

link prominently displayed on the home page.

V. If the committee determines the cost of committee proceedings for an application significantly exceed the filing fees paid by the applicant for that application, the additional cost shall be borne by the applicant or certificate holder in such amount as may be approved by the committee.

149-M:75 Counsel for the Public.

I. An application for a certificate under this subdivision shall be served contemporaneously by the applicant upon the attorney general. Upon receipt of such an application, the attorney general shall appoint an assistant attorney general as counsel for the public in connection with the committee's consideration of the application. Counsel for the public shall be deemed to represent the public as a party to the proceedings before the committee.

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

149-M:76 Public Hearing; Studies.

I. Notice of any project for which an application for a certificate has been submitted shall be issued pursuant to RSA 36:56, III.

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

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

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

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

VI. The committee shall adopt rules regarding the timing and method of notices for public information sessions and public hearings, and any other requirements regarding such sessions and hearings.

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

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

IX. The committee and counsel for the public shall conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel, and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant or certificate holder in such amount as may be approved by the committee. The committee and counsel for the public are further authorized to assess the applicant or certificate holder for all travel and related expenses associated with the processing of an application or other proceedings under this chapter.

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

149-M:77 Judicial Review. Decisions made pursuant to this chapter shall be appealed in accordance with RSA 541.

149-M:78 Monitoring and Enforcement.

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

II. Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 60 days after receipt of the order, the person has failed or neglected to terminate the violation or be compliant in addressing the violation consistent with direction from the department, the department shall notify the committee, which may suspend the person's certificate. In addition to suspension, if, after 60 days of receipt of the order, the person has failed or neglected to terminate the violation, the committee may impose a fine not to exceed $5,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the committee shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.

III. In addition to other remedies provided in this chapter, upon petition of the department, the committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application, or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

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

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

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

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

149-M:79 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. Committee records regarding pending applications for a certificate shall also be made available on the committee's website unless such records were submitted under seal and are exempt from public disclosure under RSA 91-A.

149-M:80 Temporary Suspension of Deliberations. If the committee, at any time while an application for a certificate is before it, deems it to be in the public interest, it may temporarily suspend its deliberations and time frames established under this chapter.

149-M:81 Findings and Certificate Issuance.

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

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

III. After due consideration of all relevant information regarding the potential siting, including potential significant impacts and benefits, the committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

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

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

(c) The facility satisfies the criteria in RSA 149-M:11, III, as determined by the department.

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

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

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

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

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

VII. There shall be a rebuttable presumption that applications for landfill expansions shall satisfy the criteria in subparagraphs III(a), III(b), and III(d). The burden of producing evidence to rebut this presumption rests with the party challenging the action. This presumption may be rebutted by a preponderance of the evidence.

149-M:82 Penalties.

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

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

149-M:83 Severability. If any provision of this chapter, or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end, the provisions of this chapter are severable.

149-M:84 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the solid waste evaluation committee fund. All application and other filing fees received by the committee under this chapter shall be deposited in the fund. All moneys in the fund shall be continually appropriated to the committee and shall be used to pay for operating costs of the committee and the partial salary of the administrator. If the administrator position is vacant, the fund may be used to pay an independent contractor to perform those duties. Notwithstanding any other provision of law, the committee may engage the department for additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or major solid waste disposal facility owner.

149-M:85 Compensation and Reimbursement.

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

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

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

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

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

149-M:86 Solid Waste Permit Applications Suspended. The department shall not issue any permit approvals that authorize new capacity for major solid waste disposal facilities until rules are adopted by the committee or until July 1, 2027, whichever is later.

2 New Subparagraph; Solid Waste Evaluation Committee Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (410) the following new subparagraph:

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

3 Effective Date. This act shall take effect 60 days after its passage.

2026-1932s

AMENDED ANALYSIS

This bill establishes a solid waste site evaluation committee.

Senate Finance
May 12, 2026
2026-1919s
07/05

Amendment to HB 1102-FN

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2027.

II. Section 3 of this act shall take effect July 1, 2027.

III. The remainder of this act shall take effect January 1, 2028.

Senate Judiciary
May 12, 2026
2026-1911s
07/09

Amendment to HB 1384

Amend the title of the bill by replacing it with the following:

AN ACT relative to prohibiting foreign adversary persons or foreign entities of concern from financing lawsuits.

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

1 New Chapter; New Hampshire Third-Party Litigation Funding Transparency Act. Amend RSA by inserting after chapter 294-E the following new chapter:

CHAPTER 294-F
NEW HAMPSHIRE THIRD-PARTY LITIGATION FUNDING TRANSPARENCY ACT

294-F:1 Definitions. In this chapter:

I. “Commercial litigation financier” means a person in the business of entering into commercial litigation financing agreements or lawyer financing agreements. The term “commercial litigation financier” shall not include a nonprofit organization exempt from federal income tax under 501(c)(3) of the United States Internal Revenue Code or its funders if the nonprofit organization represents the claimant on a pro bono basis, which may include an award of costs or attorney fees to the nonprofit organization or a related attorney.

II. “Consumer legal funding agreement” means a non-recourse transaction in which a consumer litigation funding company purchases, and a consumer assigns to the company, a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer’s legal claim.

III. “Commercial litigation financing agreement” means, with respect to any civil action or group of civil actions, a written agreement:

(a) Whereby a third party agrees to provide funds to one of the named parties or any law firm affiliated with the action or group of actions; and

(b) Which creates a direct or collateralized interest in the proceeds of a civil action or group of civil actions, by settlement, verdict, judgment, or otherwise, where such interest is based in whole or in part on a funding obligation to the funded party in the action or group of actions.

(1) “Commercial litigation financing agreement” shall include any contract, including any option, forward contract, futures contract, short position, swap, or similar contract, or other agreement that is substantially similar to a litigation financing agreement.

(2) “Commercial litigation financing agreement” shall not include:

(A) A consumer legal funding agreement;

(B) An agreement by an attorney or law firm to provide legal services on a contingency fee basis to the claimant or to advance the claimant’s legal costs in accordance with the New Hampshire rules of professional conduct;

(C) A health insurer, medical provider, or assignee that has paid, is obligated to pay, or is owed any sums for a person’s health care under the terms of a health insurance plan or agreement;

(D) A financial institution providing loans to the claimant or the claimant’s attorney or law firm when repayment is not contingent upon the outcome of the legal claim or on the outcome of any matter within a portfolio that includes the legal claim and involves the same attorney or law firm or affiliated attorney or law firm; or

(E) A person with a preexisting contractual obligation to indemnify or defend a party to a legal claim.

IV. “Foreign country of concern” means a foreign government or person listed as a “foreign adversary” under 15 C.F.R. 791.4.

V. “Foreign entity of concern” or “foreign person of concern” means an entity or person that:

(a) Is organized or incorporated in a foreign country of concern;

(b) Is owned or controlled by the government, a political subdivision, or a political party of a foreign country of concern;

(c) Has its principal place of business in a foreign country of concern; or

(d) Is owned, organized, or controlled by, affiliated with, or acting on behalf of an individual or entity that is or has been:

(1) On a sanctions list maintained by the Office of Foreign Assets Control, including:

(A) Specially Designated Nationals and Blocked Persons List (SDN List);

(B) Foreign Sanctions Evaders List;

(C) Non-SDN Iran Sanctions Act List;

(D) Sectoral Sanctions Identifications List; or

(E) List of Foreign Financial Institutions Subject to Correspondent Account and Payable-Through Account Sanctions; or

(2) Designated by the United States Secretary of State as a foreign terrorist organization.

294-F:2 Prohibitions Related to Commercial Litigation Funding. No person or entity shall enter into a commercial litigation financing agreement with, or into an agreement funded directly or indirectly, in whole or in part, by a foreign entity of concern or a foreign country or person of concern, or any entity controlled by any of the foregoing persons or entities.

294-F:3 Applicability. This chapter shall apply to any commercial litigation financing agreement that is effectuated on or after the effective date of this chapter.

2 Effective Date. This act shall take effect January 1, 2027.

2026-1911s

AMENDED ANALYSIS

This bill prohibits foreign adversary persons or foreign entities of concern from financing lawsuits.

Senate Judiciary
May 12, 2026
2026-1912s
07/09

Amendment to HB 1416

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study what legal protections currently exist for the freedom of expression of pregnancy resource centers and whether further First Amendment protections are needed.

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

1 Committee Established. There is established a committee to study what legal protections currently exist for the freedom of expression of pregnancy resource centers and whether further First Amendment protections are needed.

2 Membership and Compensation.

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

(a) Two members of the senate, one of whom shall be a member of the minority party, appointed by the president of the senate.

(b) Three members of the house of representatives, one of whom shall be a member of the minority party, 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.

3 Duties. The committee shall:

I. Determine what legal protections currently exist for the freedom of expression of pregnancy resource centers and whether further First Amendment protections are needed.

II. Solicit testimony from the attorney general's office to determine whether there have been substantiated complaints by pregnancy resource centers alleging violations of the First Amendment.

III. Identify current state and federal law related to pregnancy resource centers, including relevant United States Supreme Court cases, and determine what First Amendment protections currently exist for pregnancy resource centers in New Hampshire.

IV. Determine if there are gaps in First Amendment protections for pregnancy resource centers in New Hampshire.

4 Chairperson; Quorum. 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 first-named 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.

5 Report. 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, 2026.

6 Effective Date. This act shall take effect upon its passage.

2026-1912s

AMENDED ANALYSIS

This bill establishes a committee to study what legal protections currently exist for the freedom of expression of pregnancy resource centers and whether further First Amendment protections are needed.

Senate Finance
May 12, 2026
2026-1924s
08/05

Amendment to HB 1491

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

1 New Chapter; Political Subdivision Risk Management Programs. Amend RSA by inserting after chapter 420-Q the following new chapter:

CHAPTER 420-R
POLITICAL SUBDIVISION RISK MANAGEMENT PROGRAMS

420-R:1 Purpose. The purpose of this chapter is to provide for the establishment of political subdivision risk management programs and to affirm the status of such programs established for the benefit of political subdivisions of the state. The legislature finds and determines that insurance and risk management are essential to the proper functioning of political subdivisions; that risk management can be achieved through the purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions; that pooled risk management is an essential governmental function by providing focused public sector loss prevention programs, accrual of interest and dividend earnings, which may be returned to the public benefit, and establishment of costs predicated solely on the actual experience of political subdivisions within the state; that the resources of political subdivisions are presently burdened by the securing of insurance protection through standard carriers; and that risk management programs that meet the standards established by this chapter should not be subject to taxation by the state and, except as specifically set forth in this chapter, should not be subject to insurance regulation.

420-R:2 Definitions; Scope of Chapter. In this chapter:

I. “Authorized control level event” means any of the following events:

(a) The filing of a Risk-Based Capital “RBC” report by the program indicating that the program’s total adjusted capital is greater than or equal to its mandatory control level RBC but less than its authorized control level RBC;

(b) The notification by the commissioner to the program of an adjusted RBC report that indicates the event in subparagraph (a); or

(c) The failure of the program to respond to a corrective order in a manner satisfactory to the commissioner.

II. “Commissioner” means the commissioner of the department of insurance.

III. “Company action level event” means the filing of an RBC report by a program indicating that:

(a) The program’s total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC;

(b) For life and/or ancillary health coverages, the political subdivision risk management program has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and has a negative trend; or

(c) For property and casualty or employee health plan coverages, the program has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC instructions.

IV. “Department” means the department of insurance.

V. “Excess insurance” means stop-loss insurance for health insurance claims and high-dollar value coverage above a primary layer for property and casualty insurance claims.

VI. “Mandatory control level event” means any of the following events:

(a) The filing of an RBC report that indicates that the program’s total adjusted capital is less than its mandatory control level RBC; or

(b) Notification by the commissioner to the program of an adjusted RBC report that indicates the event in subparagraph (a).

VII. “Member” means any political subdivision that participates in a risk management program under this chapter.

VIII. “NAIC” means the National Association of Insurance Commissioners.

IX. “Nonprofit organization” means any entity that is exempt from taxation under Section 501(c)(3), 501(c)(4), 501(c)(6), or 501(c)(12) of the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as amended.

X. “Political subdivision” means any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

XI. “Political Subdivision Risk Management Program” or “program” means any formal arrangement established or maintained by 2 or more political subdivisions for the purpose of jointly covering risk that is not organized and operated as an assessable risk pool regulated in accordance with the requirements of RSA 5-B.

XII. “RBC instructions” means the RBC report including risk-based capital instructions adopted by the NAIC, as such RBC instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

XIII. “RBC level” means a program’s company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(a) “Company action level RBC” means the product of 2.0 and its authorized control level RBC.

(b) “Regulatory action level RBC” means the product of 1.5 and its authorized control level RBC.

(c) “Authorized control level RBC” means the number determined under the risk-based capital formula in accordance with the RBC instructions.

(d) “Mandatory control level RBC” means the product of .70 and the authorized control level RBC.

XIV. “RBC plan” means a comprehensive financial plan containing the following elements:

(a) Conditions that contribute to the company action level event;

(b) Proposals of corrective actions that the program intends to take and would be expected to result in the elimination of the company action level event;

(c) Projections of the program’s financial results in the current year and at least the 4 succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital, and/or surplus. The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense, and benefit component;

(d) Key assumptions impacting the program's projections and the sensitivity of the projections to the assumptions; and

(e) The quality of, and problems associated with, the program's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance, if any, in each case. If the commissioner rejects the RBC plan, and it is revised by the political subdivision risk management program, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

XV. "Regulatory action level event" means any of the following events:

(a) The filing of an RBC report by the program that indicates that the program's total adjusted capital is greater than or equal to its authorized control level RBC but less than its regulatory action level RBC;

(b) The failure of the program to file an RBC report by the filing date, unless the program has provided an explanation for such failure which is satisfactory to the commissioner and has cured the failure within 10 days after the filing date;

(c) Notification by the commissioner to the program that the RBC plan or revised RBC plan submitted by the program is, in the judgment of the commissioner, unsatisfactory; or

(d) Notification by the commissioner to the program that the program has failed to adhere to its RBC plan or revised RBC plan, but only if such failure has a substantial adverse effect on the ability of the program to eliminate the company action level event in accordance with its RBC plan or revised RBC plan and the commissioner has so stated in the notification.

420-R:3 Declaration of Status; Tax Exemption.

I. Any arrangement authorized and meeting the standards required under this chapter is not an insurance company, reciprocal insurer, or insurer under the laws of this state, and administration of any activities of the arrangement shall not constitute doing an insurance business for purposes of regulation or taxation. Such self-insurance arrangements shall not be subject to the premium tax under RSA 400-A:32 and shall not be subject to assessment with respect to the administration fund under RSA 400-A:39.

II. Any such arrangement operating under this chapter, whether or not a body corporate, trust, or charter, may sue or be sued, make contracts, hold and dispose of real property, borrow money, contract debts, and pledge assets in its name.

III. Political subdivision risk management programs shall be governed by this chapter and shall be exempt from this title, except for the provisions of:

(a) RSA 400-A:16, relative to investigations;

(b) RSA 400-A:17 through RSA 400-A:24, relative to hearings and appeals;

(c) RSA 400-A:37, relative to examinations;

(d) RSA 402-B, relative to insurance claims adjusters;

(e) RSA 402-J, relative to producer licensing;

(f) RSA 417:1 through 417:31, relative to unfair trade practices and fraud investigations; and

(g) RSA 420-G:11, II, II-a, and IV, relative to the submission of claims data to the department.

IV. This section does not apply to or provide exemptions for insurance companies issuing policies to cover the arrangement, third-party administrators, insurance producers, or other licensees subject to RSA Title XXXVII servicing the political subdivision risk management program.

V. RSA 5-B shall not apply to political subdivision risk management programs.

420-R:4 Agreement to Form; Authorized Activities.

I. To accomplish the purposes of this chapter, any 2 or more political subdivisions of this state may, by resolution of their governing bodies, establish and enter into agreements to form a nonprofit organization, association, or trust under the laws of this state to carry out the activities of a political subdivision risk management program.

II. RSA 53-A shall not apply to an association formed or affirmed under this chapter, nor to the participation in such an association by a political subdivision.

III. Political subdivision risk management programs established for the benefit of political subdivisions may provide any or all of the following coverages:

(a) Casualty, including general and professional liability; errors and omissions; workers' compensation and employer's liability; medical payments; or unemployment compensation as authorized under federal law.

(b) Property, including marine and inland navigation; transportation; boiler and machinery; fire; theft; or natural hazards.

(c) Vehicle, including any liability or loss arising from the ownership or operation of vehicles.

(d) Surety and fidelity.

(e) Environmental impairment.

(f) Hospital, medical, surgical, or dental benefits for employees and retirees and their dependents.

(g) Life, income maintenance, accidental death and dismemberment, vision loss or impairment, or legal benefits for employees and their dependents.

IV. Any political subdivision risk management program that provides coverage described in subparagraphs III (a) through (e) shall not also provide coverages described in subparagraphs (f) or (g).

V. If provided for in the organizational documents, a political subdivision risk management program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Jointly purchase insurance and reinsurance coverage in a form and amount as provided for in the organizational documents;

(d) Obligate the participants to pledge funds or revenues to secure the obligations or pay the expenses of the arrangement, including the establishment of a reserve fund for coverage and any other financial arrangements if the reserve fund or the arrangement's revenue or assets are insufficient to cover the liabilities; and

(e) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

VI. Any program operating under this chapter, whether or not body corporate, may sue or be sued; make contracts; hold and dispose of real property; and borrow money, contract debts, and pledge assets in its name.

VII. Participation by a political subdivision in a political subdivision risk management program formed and affirmed under this chapter shall not subject any such political subdivision to any liability to any third party for the acts or omissions of the political subdivision risk management program or any other political subdivision participating in the program.

420-R:5 Formation.

I. Before the establishment of a political subdivision risk management program, the program shall obtain the approval of the commissioner. The political subdivisions proposing the creation of the program shall submit a plan of management and operation to the commissioner that provides, at a minimum, the following information:

(a) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations;

(b) The amount and method of funding the covered risks, including the initial capital and proposed rates and projected premiums. The commissioner shall require deposits, surplus requirements, or other financial security reasonably necessary to ensure the solvency and financial integrity of the program, including deposits of not less than $300,000 for property and casualty lines and $500,000 for health-related coverages, in cash, securities authorized for savings banks, or such other investments as approved by the commissioner;

(c) The proposed claim reserving practices;

(d) The proposed purchase and maintenance of insurance, or excess insurance in excess of the amounts retained by the joint self-insurance arrangement;

(e) The legal form of the program, including, but not limited to, any constitution, articles of incorporation, bylaws, charter, trust, or other agreement among the participating entities;

(f) The agreements with participants in the arrangement defining the responsibilities and benefits of each participant and management;

(g) The proposed accounting, depositing, and investment practices of the arrangement;

(h) Evidence satisfactory to the commissioner showing that the arrangement will be operated in accordance with sound actuarial principles;

(i) A designation of the individual to whom service of process must be forwarded by the commissioner on behalf of the arrangement, including that individual's name and address;

(j) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(k) A professional analysis of the feasibility of the creation and maintenance of the program;

(l) A legal analysis or an Internal Revenue Service opinion on the federal income tax exposure or liability of the program;

(m) The names and addresses of the directors of the arrangement, who are subject to approval by the commissioner upon the presentation of sufficient evidence to:

(1) Be competent;

(2) Have not been found to be guilty of, or to have pled guilty or no contest to, a felony or a crime involving moral turpitude;

(3) Have not had any type of professional license revoked in this or any other state; and

(4) Have not improperly manipulated assets, accounts, or specific excess insurance or otherwise acted in bad faith;

(n) A copy of a fidelity bond in an amount equal to not less than 12 percent of the funds handled annually and issued in the name of the arrangement covering its officers, trustees, employees, administrator, or other individuals managing or handling the funds or assets of the arrangement. In no case may such bond be less than $1,000,000 or more than $5,000,000, except that the commissioner may prescribe an amount more than $5,000,000 following a hearing. In lieu of a surety bond, the posting of the requisite surety in cash in an account where investment or interest earnings on the surety funds may be swept by the pool and allocated to operations, reserves, or surplus, as the case may be;

(o) A statement from legal counsel attesting that there are no pending regulatory enforcement actions against the entity; and

(p) Such additional information as the commissioner may reasonably require to determine compliance with this chapter.

II. The commissioner shall not approve the arrangement unless the commissioner determines the following:

(a) The plan is designed to provide sufficient revenues to pay current and future liabilities, as determined in accordance with sound actuarial principles; and

(b) The program meets the requirements of RSA 420-R:6.

III. Any pooled risk entity operating in accordance with RSA 5-B as of July 1, 2026, may seek conditional approval. The commissioner may authorize such a program that does not currently meet the requirements of this chapter to operate as a political subdivision risk management program under a conditional approval for a period not to exceed 2 years while the organization works to meet all the requirements of this chapter.

IV. Any entity that does not meet the requirements of RSA 5-B and has been found to be operating without the commissioner's approval shall be subject to an administrative fine not to exceed $10,000 for each day it has operated without the commissioner's approval.

420-R:6 Requirements of Organization and Operation.

I. A political subdivision risk management program shall meet the following minimum eligibility requirements and any additional requirements that the commissioner may require:

(a) The arrangement shall qualify as a non-profit entity or not-for-profit trust;

(b) Operated pursuant to an agreement by a board of directors, which shall have complete fiscal control over the arrangement and which shall be responsible for all operations of the arrangement. The directors shall be elected officials or employees of one or more political subdivisions in the arrangement. A director may not be an owner, officer, or employee of the administrator or service company of the arrangement. The directors shall have the authority to approve applications of association members for participation in the arrangement and to contract with an authorized administrator or service company to administer the day-to-day affairs of the arrangement.

(c) Neither offered nor advertised to the public generally.

(d) Operated in accordance with sound actuarial principles.

II. The following activities shall be prohibited:

(a) An employee or official of a participating political subdivision shall not directly or indirectly receive anything of value for services rendered in connection with the operation and management of the arrangement other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the arrangement.

(b) An employee or official of a participating political subdivision shall not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the arrangement.

III. The commissioner shall not grant or continue approval of a program until such time as the program replaces any director found by the commissioner, upon the presentation of sufficient evidence:

(a) To be incompetent;

(b) To be guilty of, or to have pleaded guilty or no contest to, a felony or a crime involving moral turpitude;

(c) To have had any type of insurance license revoked in this or any other state;

(d) To have improperly manipulated assets, accounts, or specific excess insurance or to have otherwise acted in bad faith.

IV. Directors shall comply with the provisions of RSA 15-A. Directors shall have a fiduciary responsibility to act in the best interest of the political subdivision risk management program, which shall include a duty of care to ensure prudent investment and use of assets, a duty of loyalty to act to further the purposes and mission of the program, and a duty of obedience to comply with organizational bylaws and applicable law.

420-R:7 Termination of Arrangement. If an arrangement is terminated for any reason, it shall pay all outstanding claims, debts, and obligations. The arrangement may retain sufficient funds to provide coverage for such additional period as the board of the arrangement considers prudent. In addition, the program may purchase such additional insurance as they consider necessary for protection against potential future claims. Any funds remaining in the arrangement after satisfaction of all obligations upon termination shall be paid to participating entities as of the termination date in some equitable manner meeting with the approval of the commissioner, including, without ruling out other alternatives, equally on a per capita basis to each participating entity that is covered under the arrangement as of the effective date of termination.

420-R:8 Approval of Rates.

I. Each political subdivision risk management program shall file with the insurance commissioner a full schedule of the rates to be paid by participating members and shall obtain the commissioner's approval prior to implementing any rate changes. Rates, rating factors, and all rules necessary for the calculation of members' contributions shall be filed with the commissioner at least 60 days prior to implementation along with all relevant actuarial support that justifies the selection of rates. The commissioner may refuse such approval if he or she finds the rates are excessive, inadequate, or unfairly discriminatory.

II. All underlying information submitted to justify the rates to the extent the information therein is not otherwise required to be publicly available, which is filed with the commissioner, constitutes information that might be damaging to the risk pool management program if made available to competitors and therefore shall be kept confidential by the commissioner. This information shall not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner pursuant to this chapter or the applicable provisions of Title XXXVII.

III. All approved rates and rating manuals shall be publicly available.

420-R:9 Financial Reporting.

I. Each political subdivision risk management program shall prepare and file or transmit to the commissioner an annual statement and subsequent quarterly statements under oath, in accordance with the National Association of Insurance Commissioners Annual Statement Blank following the National Association of Insurance Commissioners Annual Statement Instructions and those accounting procedures and practices prescribed by the National Association of Insurance Commissioners Accounting Practices and Procedure Manual or allowed as a permitted accounting practice as provided in the manual.

II. The annual statement shall be due on or before March 1 each year. The commissioner may extend the time for filing or transmitting such statement for cause shown and may approve an alternative submission date. The commissioner may refuse to continue, or may suspend or revoke, the approval for any political subdivision risk management program that fails to file or transmit its annual statement when due.

III. In addition to the above, the commissioner may require from any person or entity subject to this title:

(a) Statements, reports, including reports audited by independent public accountants, answers to questionnaires, and other information and evidence thereof, in whatever reasonable form the commissioner designates and at such reasonable intervals as the commissioner may choose, or from time to time;

(b) Full explanation of the programming of any data storage or communications systems in use; and

(c) That information from any books, records, electronic data processing systems, computers, or any other information storage system be made available to him at any reasonable time and in any reasonable manner.

IV. Any officer, manager, or general agent; any person with executive authority over or in charge of any segment of such political subdivision risk management program's affairs; and any insurance agent or other person licensed under the insurance code shall reply promptly in writing or in other designated form to any written inquiry from the commissioner requesting a reply.

V. The commissioner may require that any communication made to him under this section be verified.

VI. In the absence of actual malice, no communication required by the commissioner under this section shall subject the person making it to an action for damages for defamation.

VII. The information obtained pursuant to this section shall be privileged.

VIII. Any director, officer, agent, or employee of a political subdivision risk management program who subscribes to, makes, or concurs in making or publishing any annual or other statement required by law, having actual knowledge that the same contains any material statement that is false, shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

IX. The commissioner may retain, without appropriation under RSA 9 and without qualifying as a department expenditure under RSA 4:15, attorneys, independent actuaries, independent certified public accountants, or other professionals or specialists to review financial statements, the cost of which shall be borne by the company that is the subject of the financial analysis. The political subdivision risk management program shall pay the retained professionals or specialists directly for their costs. The commissioner shall conduct oversight of such independent reviewers in a manner that is consistent with standards for the use of independent reviewers established by the National Association of Insurance Commissioners in its Financial Condition Examiners Handbook and shall ensure that costs are reasonable for the work performed.

420-R:10 Risk-Based Capital.

I. Every political subdivision risk management program shall, on or prior to each March 1, prepare and submit to the commissioner a report of its RBC levels as of the end of the calendar year just ended, in a form and containing such information as is required by the RBC instructions for programs.

II. For life and/or ancillary health coverages, RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account, and may adjust for, the covariance between:

(a) The risk with respect to the program's assets;

(b) The risk of adverse insurance experience with respect to the program's liabilities and obligations;

(c) The interest rate risk with respect to the program's business; and

(d) All other business risks and such other relevant risks as are set forth in the RBC instructions.

III. For property and casualty coverages, RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:

(a) Asset risk;

(b) Credit risk;

(c) Underwriting risk; and

(d) All other business risks and such other relevant risks as are set forth in the RBC instructions, determined in each case by applying the factors in the manner set forth in the RBC instructions.

IV. For employee health plan coverages, RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:

(a) Asset risk;

(b) Credit risk;

(c) Underwriting risk; and

(d) All other business risks and such other relevant risks as are set forth in the RBC instructions.

V.(a) In the event of a company action level event, the program shall, within 45 days of the event, prepare and submit to the commissioner an RBC plan. Within 60 days after the submission of an RBC plan to the commissioner, the commissioner shall notify the program whether the RBC plan shall be implemented or is, in the judgment of the commissioner, unsatisfactory. If the commissioner determines the RBC plan is unsatisfactory, the notification to the program shall set forth the reasons for the determination and may set forth proposed revisions that will render the RBC plan satisfactory, in the judgment of the commissioner. Upon notification from the commissioner, the program shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the commissioner.

(b) In the event of a regulatory action level event, the commissioner shall:

(1) Require the program to prepare and submit an RBC plan or, if applicable, a revised RBC plan;

(2) Perform such examination or analysis as the commissioner deems necessary of the assets, liabilities, and operations of the program, including a review of its RBC plan or revised RBC plan; and

(3) Subsequent to the examination or analysis, issue an order specifying such corrective actions as the commissioner shall determine are required.

(c) In the event of an authorized control level event, the commissioner shall:

(1) Take such actions as are required with respect to which a regulatory action level event has occurred; or

(2) If the commissioner deems it to be in the best interests of the policyholders and creditors of the political subdivision risk management program and of the public, take such actions as are necessary to cause the political subdivision risk management program to be placed under regulatory control.

(d) In the event of a mandatory control level event, the commissioner shall take such actions as are necessary to place the political subdivision risk management program under regulatory control. Notwithstanding any of the foregoing, the commissioner may forego action for up to 90 days after the mandatory control level event if the commissioner finds there is a reasonable expectation that the mandatory control level event may be eliminated within the 90-day period.

VI. Any action by the commissioner related to RBC shall be a basis for requesting a hearing pursuant to RSA 400-A:17, II (b). The program shall have the right to request a confidential departmental hearing, on the record, at which the program may challenge any determination or action by the commissioner. The program shall notify the commissioner of its request for a hearing within 5 days after the notification by the commissioner. Upon receipt of the program's request for a hearing, the commissioner shall set a date for the hearing, which date shall be no less than 10 and no more than 30 days after the date of the program's request.

VII.(a) The commissioner may apply by verified petition to the superior court for Merrimack county or for the county in which the principal office of the program is located for an order directing him or her to take control of the program on any one or more of the following grounds:

(1) The program has encountered an authorized or mandatory control event;

(2) The commissioner has reasonable cause to believe that there has been embezzlement from the program, wrongful sequestration or diversion of the program's assets, forgery or fraud affecting the program, or other illegal conduct in, by, or with respect to the program that, if established, would endanger assets in an amount threatening the solvency of the program;

(3) That information coming into the commissioner's possession has disclosed substantial and not adequately explained discrepancies between the program's records and the most recent annual report or other official program reports;

(4) That the program has failed to remove any person who in fact has executive authority in the political subdivision risk management program, whether an officer, manager, general agent, employee, or other person, if the person has been found by the commissioner after notice and hearing to be dishonest or untrustworthy in a way affecting the program's business;

(5) That any person who in fact has executive authority in the program, whether an officer, manager, general agent, employee, or other person, has refused to be examined under oath by the commissioner concerning its affairs, whether in this state or elsewhere, and after reasonable notice of the fact the program has failed promptly and effectively to terminate the employment and status of the person and all his influence on management;

(6) That after demand by the commissioner the program has failed to submit promptly any of its own property, books, accounts, documents, or other records, or those of any company contracted to provide services to the program, or those of any person having executive authority in the program so far as they pertain to the program, to reasonable inspection or examination by the commissioner or an authorized representative. If the program is unable to submit the property, books, accounts, documents, or other records of a person having executive authority in the program, it shall be excused from doing so if it promptly and effectively terminates the relationship of the person to the program;

(7) That without first obtaining the written consent of the commissioner, the political subdivision risk management program has transferred, or attempted to transfer, substantially its entire property or business, or has entered into any transaction the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person;

(8) That the directors of the program are deadlocked in the management of the political subdivision risk management program's affairs and that the members or shareholders are unable to break the deadlock and that irreparable injury to the political subdivision risk management program, its creditors, its policyholders, or the public is threatened by reason thereof;

(9) That the program has failed to pay for 60 days after the due date any obligation to this state or any political subdivision thereof or any judgment entered in this state, except that such nonpayment shall not be a ground until 60 days after any good faith effort by the program to contest the obligation has been terminated, whether it is before the commissioner or in the courts;

(10) That the program has failed to file its annual report or other report within the time allowed by law and, after written demand by the commissioner, has failed to give an adequate explanation immediately;

(11) That 2/3 of the board of directors consent to regulatory control under this chapter.

(b) An order for regulatory control shall appoint the commissioner and successors in office as the controlling authority and shall direct the controlling authority forthwith to take possession of the assets of the program and to administer them under the orders of the court. The filing or recording of the order with any register of deeds in the state imparts the same notice as a deed, bill of sale, or other evidence of title duly filed or recorded with that register of deeds. Any order issued under this section shall require accountings to the court by the controlling authority. Accountings shall be at such intervals as the court specifies in its order, but no less frequently than semi-annually.

(c) The commissioner as the controlling authority shall make every reasonable effort to employ a qualified expert to serve as special deputy commissioner to correct the issue that led to regulatory control. The special deputy shall have all of the powers of the controlling authority granted under this section. Subject to court approval, the commissioner shall make such arrangements for compensation as are necessary to obtain a special deputy of proven ability. The special deputy shall serve at the pleasure of the commissioner.

(d) Subject to court approval, the controlling authority may take such action as is deemed necessary or expedient to reform and revitalize the program. The controlling authority shall have all the powers of the directors, whose authority shall be suspended, except as they are redelegated by the controlling authority. The controlling authority shall have full power to direct and manage, hire and discharge employees subject to any contract rights they may have, require the collection of funds from political subdivisions comprising the program, and deal with the property and business of the program.

(e) If the controlling authority finds that there has been criminal or tortious conduct or breach of any contractual or fiduciary obligation detrimental to the controlling authority by any officer, manager, agent, broker, employee, or other person, they may pursue all appropriate legal remedies on behalf of the program.

(f) The controlling authority may at any time petition the court for an order terminating the regulatory control of the program. If the court finds that grounds for regulatory control no longer exist, it shall order that the program be restored to possession of its property and the control of its business. The court may also make that finding and issue that order at any time upon its own motion.

VIII. Regardless of its RBC level, any dividend, return of capital, or return of premium proposed by the board of a program shall be reviewed and approved prior to distribution by the commissioner under such terms as outlined in RSA 401-B:5, II, as are applicable to political subdivision risk management programs as determined by the commissioner.

420-R:11 Investments.

I. The assets of any political subdivision risk management program shall invest and keep invested all its funds only in the following U.S. dollar-denominated, high-quality instruments, except such cash as may be required in the transaction of its business:

(a) Cash and Cash Equivalents. Cash on deposit; FDIC-insured deposits pursuant to the criteria set forth in RSA 6:8; high-quality certificates of deposit; SEC Rule 2a7 compliant money market funds; and short-dated U.S. Treasury bills and notes.

(b) U.S. Government Obligations. Obligations issued or fully guaranteed by the United States, including full-faith-and-credit agencies such as GNMA (Ginnie Mae – Government National Mortgage Association).

(c) U.S. Agency Obligations. Obligations issued by U.S. Government Sponsored Enterprises including FHLB (Federal Home Loan Bank), FNMA Fannie Mae – Federal National Mortgage Association), and FHLMC (Freddie Mac – Federal Home Loan Mortgage Corporation), rated NAIC 1 or NAIC 2 (or A/A3 or better).

(d) Municipal Obligations. General obligation or essential service revenue bonds of U.S. states and political subdivisions rated NAIC 1 or NAIC 2 (or A/A3 or better), including pre-refunded obligations backed by U.S. Treasury or agency collateral.

(e) Corporate Bonds. Senior unsecured or secured corporate debt, nonconvertible and without payment-in-kind features, rated NAIC 1 or NAIC 2 (or A/A3 or better).

(f) Mortgage-Backed Securities.

(1) Agency mortgage-backed securities issued or guaranteed by FNMA (Fannie Mae – Federal National Mortgage Association), FHLMC (Freddie Mac – Federal Home Loan Mortgage Corporation), or GNMA (Ginnie Mae – Government National Mortgage Association), including passthroughs and CMOs (Collateralized Mortgage Obligations), limited to senior tranches rated NAIC 1.

(2) Private label mortgage-backed securities limited to senior tranches rated NAIC 1, with no synthetic, reREMIC, or complex structures.

(g) Asset-Backed Securities ("ABS"). Prime auto, credit card, and equipment ABS backed by granular collateral and limited to senior NAIC 1 tranches. CLOs, CDOs, resecuritizations, and synthetic structures are prohibited.

(h) Bank Obligations. Bankers' acceptances and certificates of deposit issued by U.S. institutions rated A/A3 or better, nonstructured, U.S. dollar denominated, and with a maturity not exceeding 5 years.

(i) Repurchase Agreements. Triparty or centrally cleared repurchase agreements collateralized solely by U.S. Treasury or U.S. agency securities, with daily margining and customary haircuts. Counterparties must be rated A/A3 or better.

(j) Real Estate for the Accommodation of Business. Real estate used for the political subdivision risk management program's operational accommodation, subject to RSA 402:29d, V. Excess rentable space must meet investment-grade tenancy standards. Exposure to real estate shall not exceed 5 percent of admitted assets.

(k) Securities Lending. Permitted only if: collateral is cash or U.S. Treasury or agency securities; collateral is maintained at a minimum of 102 percent and marked to market daily; aggregate exposure does not exceed 10 percent of admitted assets; per counterparty exposure does not exceed 2 percent; and collateral securities may not be reused other than to acquire equivalent securities.

(l) Mutual Funds. Shares of open-ended investment companies registered under the Investment Company Act of 1940, limited to SEC Rule 2a7 money market funds or funds investing only in U.S. Treasury and U.S. agency securities.

(m) Supranational Obligations. U.S. dollar-denominated obligations of the International Bank for Reconstruction and Development, InterAmerican Development Bank, African Development Bank, or Asian Development Bank, rated NAIC 1.

(n) Basket Provision. Up to 2 percent of admitted assets may be invested in instruments not otherwise listed, provided such instruments are NAIC 1 and U.S. dollar denominated.

II. Common or preferred stock; equity rights or warrants; convertible securities; private equity; hedge funds; commodities; cryptocurrencies or digital assets; below-investment-grade fixed income; structured credit, including CLOs and CDOs; synthetic securities; foreign-currency-denominated assets; and all derivative instruments of any type are prohibited.

III. At least 20 percent of admitted assets shall be held in cash and cash equivalents as defined in subsection I(a).

IV. "Highly rated" means Securities Valuation Office of the NAIC designation 1 or 2, or NRSRO (Nationally Recognized Statistical Ratings Organization) rating of A/A3 or better. NAIC designations govern statutory purposes.

V. The political subdivision risk management program shall maintain procedures to monitor credit quality and shall implement documented remediation actions for any security that falls below NAIC 2/A-.

VI.(a) The political subdivision risk management program's portfolio of fixed-income investments, excluding cash and cash equivalents, shall maintain a weighted average life not to exceed 3 years.

(b) No individual fixed-income instrument shall have a final contractual maturity greater than 12 years.

(c) For amortizing securities, weighted average life shall be calculated using reasonable, supportable expectations of prepayment and default.

(d) The political subdivision risk management program shall not acquire securities whose stated maturity exceeds 12 years, securities whose weighted average life cannot be reasonably estimated, or instruments designed to produce extension risk inconsistent with these limits.

(e) Securities held as admitted assets on the effective date of this subsection that exceed these limits may be retained but not added to or replaced with instruments of similar structure or maturity.

420-R:12 Examinations and Investigations.

I. The commissioner shall make an examination of each political subdivision risk management program under the terms of RSA 400-A:37 as often as deemed necessary, but not less frequently than once in every 5 years. All examinations shall be conducted at the expense of the program.

II. Each program shall submit its books and records relating to its operations to such examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths to, and examine the officers and agents of the program.

III. The commissioner may investigate the acts of a political subdivision risk management program pursuant to RSA 400-A:16.

420-R:13 Enforcement Authority.

I. The commissioner may suspend or revoke the approval, issue an order requiring a specific action, or assess an administrative fine for any program for any of the following causes:

(a) The approval of the arrangement was obtained by fraud;

(b) There were one or more material misrepresentations in the materials submitted to gain the approval;

(c) The program has shown itself untrustworthy or incompetent relative to the management or operation of the arrangement;

(d) The program has failed to meet the financial requirements of this chapter or has violated any lawful order or rules;

(e) The program has refused to be examined or to produce its accounts, records, and files for examination or has refused to give information with respect to its affairs or to perform any other legal obligation as to such examination when so required by the commissioner;

(f) The program has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final;

(g) The program no longer meets the requirements for the authority originally granted;

(h) The program has violated any lawful order or rule of the commissioner, provision of this chapter, or other applicable law;

(i) The program is not fulfilling its contracts in good faith;

(j) The program is conducting business fraudulently or in a manner hazardous to its covered persons, members, creditors, the public, or the business; or

(k) The program is acting outside its authority.

II. Prior to suspending or revoking the program's approval, the commissioner shall provide written notification to the program specifying the basis of the noncompliance and requiring that the deficiency or deficiencies which exist be corrected.

III. After such notice, the program shall have a 30-day period in which to comply with the commissioner's request for correction or the submission of a corrective action plan. If the program fails to comply, the commissioner shall issue a notice of hearing pursuant to RSA 400-A:18.

420-R:14 Appeals. All orders and decisions of the commissioner concerning matters within the commissioner's jurisdiction under this chapter shall be subject to hearing and appeal as provided in RSA 400-A:15 through 24 and RSA 541. RSA 541:18 shall apply to orders and decisions of the commissioner affecting the rates of the program.

420-R:15 Rulemaking Authority. The commissioner may adopt rules in accordance with RSA 541-A, which are reasonable and necessary to administer and enforce the provisions of this chapter.

420-R:16 Confidentiality and Transparency.

I. Notwithstanding any provision of the law to the contrary, any information of any political subdivision risk management program formed or affirmed under this chapter pertaining to claims analysis or claims management shall be privileged and confidential and not subject to disclosure to any third party.

II. Except as provided in paragraph I, political subdivision risk management programs formed or affirmed under this chapter are subject to the requirements of RSA 91-A.

III. Political subdivision risk management programs' annual financial statements shall be made public.

420-R:17 Severability. If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, such determination shall not affect the provisions or applications of this chapter, which can be given effect without the invalid provision or application, and to that end, the provisions of this chapter are severable.

2 Repeal. RSA 420-R:5, III, relative to the formation of political subdivision risk management programs, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2029.

II. The remainder of this act shall take effect July 1, 2026.

2026-1924s

AMENDED ANALYSIS

This bill establishes and regulates political subdivision risk management programs, sets eligibility and reporting requirements, defines oversight and enforcement authority, outlines financial, investment, and solvency standards, and affirms tax exemptions and confidentiality provisions for such programs.

Senate Finance
May 12, 2026
2026-1910s
07/09

Amendment to HB 1499-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2027.

Senate Judiciary
May 12, 2026
2026-1920s
09/05

Amendment to HB 1637

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

1 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA 597:6-e, II to read as follows:

II. Subject to RSA 597:2, XIV the person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice, or by a bail commissioner. The motion shall be determined promptly. ***In domestic violence, stalking, and harassment cases, whether the motion is filed by the state or the defense, the hearing on the motion shall be scheduled within 72 hours, excluding weekends and state or federal holidays. The hearing does not have to be held within 72 hours of the filing of the motion, but it shall be scheduled within 72 hours, excluding weekends and state or federal holidays.*** However, no action shall be taken on any such motion until the moving party has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and any other court orders relative to each charge for which a release or detention order was issued by a justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after notification to both parties, the police department that brought the charges in district court, and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.

2 New Paragraph; Release of a Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph XIII the following new paragraph:

XIII-a. In any matter where bail has been set by the circuit court, either the state or the defendant may seek to have the circuit court reconsider the conditions of bail, including based on new information, by filing a motion with the circuit court. In domestic violence, stalking, and harassment cases, whether the motion is filed by the state or the defense, the hearing on the motion shall be scheduled within 72 hours, excluding weekends and state or federal holidays. The hearing does not have to be held within 72 hours of the filing of the motion, but it shall be scheduled within 72 hours, excluding weekends and state or federal holidays. Following the order of the circuit court, either party may seek further review from the superior court pursuant to RSA 597:6-e.

3 Detention and Sanctions for Default or Breach of Conditions. Amend the introductory paragraph of RSA 597:7-a, III to read as follows:

III. The state may initiate a proceeding for revocation of an order of release by filing a motion with the court which ordered the release and the order of which is alleged to have been violated ***In domestic violence, stalking, and harassment cases, the hearing on the motion shall be scheduled within 72 hours, excluding weekends and state or federal holidays. The hearing does not have to be held within 72 hours of the filing of the motion, but it shall be scheduled within 72 hours, excluding weekends and state or federal holidays.*** The court may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before the court for a proceeding in accordance with this section. The court shall enter an order of revocation and detention if, after a hearing, the court:

4 Effective Date. This act shall take effect January 1, 2027.

Senate Finance
May 12, 2026
2026-1926s
05/09

Amendment to HB 1705-FN

Amend RSA 281-A:17-h as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Implementation of the employee assistance program for small communities established in this section shall be contingent upon funding. The department shall indicate the availability of such funding in the report submitted pursuant to paragraph IV, provided that program implementation shall begin upon receipt of such funding, with the initial report submitted shortly thereafter.

2026-1926s

AMENDED ANALYSIS

This bill establishes a fund to cover the costs of enrolling and supporting first responders from small communities into the state-provided employee assistance program (EAP) and outlines eligibility, enrollment, and reporting requirements for the department of health and human services. Implementation of the program is contingent upon receipt of funding.

Senate Finance
May 12, 2026
2026-1909s
04/09

Amendment to HB 1718-FN

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect January 1, 2027.